ACTS AND LAWS,

Of His

Majesties Colony of Connecticut

IN

New-England.



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Acts and Laws,

Paſſed by the General Court or Aſſembly

Of His Majeſties Colony of

Connecticut in *New-England.*

FORASMUCH as the free fruition of ſuch Liberties, as Humanity, Civility, and Chriſtianity call for, as due to every man in his place, and proportion, without Impeachment and Infringment, hath ever been and ever will be the Tranquility, and Stability of Churches and Common Wealths, and the Denyal or deprival thereof, the Diſturbance, if not ruin of both.

General Priviledges of the Inhabitants.

Be it Enacted by the Governour, Council and Repreſentatives, Convened in General Aſſembly, and it is hereby Enacted by the Authority of the ſame, That no man's Life ſhall be taken away; no man's Honour or good Name ſhall be ſtained; no man's Perſon ſhall be Arreſted, Reſtrained, Baniſhed, Diſmembred, nor any ways puniſhed; no man ſhall be deprived of his Wife, or Children; no man's Goods or Eſtate, ſhall be taken away from him, nor any ways Indamaged, under colour of Law, or countenance of Authority; Unleſs it be by the vertue or equity of ſome expreſs Law of this Colony warrapting the ſame, Eſtabliſhed by the General Court, and ſufficiently Publiſhed; or in caſe of the defects of a Law in any particular caſe; by ſome clear and plain rule of the Word of God, in which the whole Court ſhall concur.

Ability Age &c.

Ability to diſpoſe of Eſtates.

Full Age, Age of Diſcretion.

BE it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That all perſons of the Age of *Twenty one* years, and of right Underſtanding and Memory, whether Excommunicated or other, ſhall have full power and liberty, to make their Wills, and Teſtaments, and all other Lawful Alienations of their Lands, and all other Eſtates: And for giving Vote, Verdicts, or Sentence, in any Civil Courts or Cauſes: And the Age for chooſing of Guardians, ſhall be *Fourteen* years, for Male Children, and *Twelve* years for Females: And for paſſing away of Perſonal Eſtate, by Will or Teſtament, *Seventeen* years. *Always Provided,* That ſuch Perſons, who are Condemned to Death, the charges of their Proſecution and Impriſonment, being firſt anſwered, and paid out of their Eſtate, the remainder thereof ſhall by the Court, be diſpoſed of according to the rules of Righteouſneſs and Equity.

Condemned perſons Eſtates how to be diſpoſed of.

Actions.

THAT thoſe who ſhall be called to make Anſwer, in ſuch Pleas or Civil Actions, as ſhall be Commenced againſt them, in any Courts of Judicature in this Colony; may have due time to prepare themſelves for their anſwer.

Six days warning to answer any Action.

It is Enacted and Ordained, by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That from henceforth no Person shall be required to make answer to any Action of Debt, Trespass, Defamation, Slander, Account, or of the Case, Except the Summons have been served upon him at least *Six* days inclusive, before the day of the Courts sitting.

Plantiff not Appearing when called three times to be Non-suited.

And it is further Enacted by the Authority aforesaid, That if any Person who hath Entred an Action to be Tryed in any of our Courts, being called three times, (after *Twelve* of the Clock on the first day of the Courts sitting,) shall not appear, either by himself or his Attorney, to prosecute his Action ; he shall be Non-suited, and pay all Cost and charges to the Defendant ; and for the Entry of his Action, as if the Action had been prosecuted in the said Court.

And it is further Enacted by the Authority aforesaid, That there shall be free Liberty of Process granted in all Civil Actions, according to Law, at any adjourned County Court, as well as at the set County Courts.

Plantiffs liberty to withdraw or Nonsuit himself.

And be it further Enacted by the Authority aforesaid, That in all Actions brought to any Court, the Plantiff shall have Liberty to withdraw his Action, or to Nonsuit himself, before the Jury have given in their Verdict : in which case he shall always pay full Costs and Charges to the Defendant ; and may afterward Renew his Suit at another Court, the former Nonsuit being first recorded.

All Actions of 40*s.* & under to be Tryed by the Bench, Except Plantiff or Defendant desire a Jury.

And further it is Enacted by the Authority aforesaid, That all Causes that are Entered for tryal in any County Court, in this Colony ; the value thereof not exceeding the Sum of *Forty Shillings*, and wherein Title of Land is not concerned ; shall be heard, judged and determined by the Bench, according to Law ; unless Plantiff or Defendant shall desire to be Tryed by a Jury, which shall be granted : *Always Provided*, That he that desires to have his Cause tryed by a Jury, shall pay the whole charge of the Jury himself. The like liberty of a Jury, is hereby granted to all persons brought for delinquency, to any of the County Courts, or Courts of Assistants.

Delinquents may be tryed by a Jury.

who may be Jurors.

Jurys work.

Power of the Bench to Chancer matters of Equity.

And in all Cases where the Debt or Damage shall exceed the Sum of *Forty Shillings*, the Case shall be tryed by a Jury of Twelve men of the Neighbourhood ; each of which Twelve men shall have a Freehold worth *Forty Shillings per Annum*, or *Fifty Pounds* Personal Estate, in the County ; and shall be Impannelled and Sworn, Truly to try betwixt party and party, who shall find the matter of fact, with damages and costs, according to Law, and their evidence, and the Judges shall declare the Sentence ; and if there be any matter of apparent Equity, as upon the forfeiture of a Bond or Obligation, or breach of Covenant, without damage, or the like, the Bench shall determine such matter of Equity.

Juries must give a Possitive, Special or Non Liquet Verdict.

to find the matter of fact.

And in all Cases where Evidence is so obscure or defective, that the Jury cannot clearly and safely, give a possitive Verdict, they shall have liberty to give a Non-Liquet or Special Verdict, *viz.* if the Law be so, in such a point, We find for the Plantiff : but if the Law be otherwise, we find for the Defendant : in which Case the Determination doth properly belong to the Bench. And all Jurors shall, and hereby have liberty granted them in matters of fact, if they cannot find the main Issue, yet to find and present in their Verdict, so much as they can,

And

And it is further Enacted by the Authority aforesaid, That the Judges of the Court shall have liberty, if they do not find in their Judgments the Jury to have attended the evidence given in, and true Issue of the Case in their Verdict, to cause them to return to a Second consideration of the Case; and if they shall still persist in their opinion, to the dissatisfaction of the Court, it shall be in the Power of the Court to return them to a third consideration, and no more; and when any Case is by the Court committed to the consideration of the Jury, the Jury shall be confined under the custody of an Officer appointed by the Court, until they are agreed on a Verdict.

Power of the Bench concerning Jurys and their Verdicts.

Jurys to be confined.

And further it is Enacted by the Authority aforesaid, That if any person or persons legally Summoned, to Serve upon the Jury for Tryals, either in the Court of Assistants or County Court, being so returned by the Constable under his hand, shall make default of Appearance, and not attend the said Service, without reasonable excuse made and allowed of by such Court, every person and persons so offending, shall be fined by the said Court, (who are hereby impowred thereto) the Sum of *Twenty Shillings*. All fines and forfeitures accruing by vertue of this Act through such default, at the Court of Assistants, shall be paid into the Publick Treasury of the Colony; and all such fines and forfeitures as shall accrue through such default of Appearance at the County Court, shall be paid into the Treasury of the County, where the same doth arise.

Penalty for Jurors not attending.

And it is further Enacted by the Authority aforesaid, That when Plantiff and Defendant have made their pleas, in any of our Courts, and given their Evidences, and the case be committed to the Jury, there shall be no after Pleas heard or Testimonies received in such cases.

No Pleas or Evidences to be received after the Case is delivered to the Jury.

And it is Enacted and Ordained by the Authority aforesaid, That if any person shall be agrieved with the Sentence or Determination of any Assistant or Justice of the Peace, he may remove his case by Appeal, to the next County Court in that County, where the case was first heard, the person Appealing giving Bond as hereafter mentioned; and if any person or persons shall be agrieved with the Sentence or determination of any County Court, it shall be in the liberty of the party agrieved, to Appeal from the Judgment given to the next Court of Assistants: or by a new Process once and no more to Review his Cause in the same County Court, where it was before tryed; and if either party be agrieved with the Judgment and Determination of the County Court, upon tryal of the Cause by Review, it shall be in the liberty of the agrieved party, to Appeal to the next Court of Assistants: and if either party be agrieved with the Issue and Determination of the Court of Assistants, upon the first Tryal of the Case there, he shall have liberty by a new process, once and no more to Review his Case in the same Court, there to be Tryed to a final Issue. *Provided* the case be brought directly to the Court of Assistants by Appeal from the first Judgment of the County Court: but if the case be brought to the Court of Assistants by Appeal from the Judgment of the County Court upon Review, it shall have a final Issue by the Judgment and Determination of the Court of Assistants, upon the first Tryal.

General Liberty of Appeals.

How & when Cases shall have their Issue.

Always Provided, That all Appeals and Reviews, shall be Entered during the time of the sitting of the Court, from which such Appeals and Reviews shall be made, and within *Twenty four* hours after Judgment be given, and sufficient Bond and Sureties shall be given in to the said Court, by the persons Appealing or Reviewing, to prosecute his or their Appeal, or review to effect, and answer all Damages, in case he or they make not their

Appeals who to be Entred.

Bond to be given to prosecute.

their Plea good: and in all ſuch Caſes, Execution ſhall be Reſpited until there ſhall be an Iſſue of the caſe, and the party which ſhall recover his Action, ſhall have all his juſt coſt and damages allowed him.

Ordinary proceſs what.

And it is further Enacted by the Authority aforeſaid, That the ordinary Summons or Proceſs, for the preſent within this Colony, (until other proviſion be made) ſhall be a Warrant fairly written, under ſome Magiſtrate or Magiſtrates, Juſtice of the Peace, or Clerk of the Courts hand or hands, mentioning the time and place of appearance, together with the ſubſtance of the Action; and if the ſaid party or parties, do not appear according to the ſaid Summons or Warrant, upon Affidavit firſt made, that the Warrant was read to the ſaid Perſon or Perſons, within his or their hearing, or an atteſted Copy of it left at the place of his or their uſual abode, the Court ſhall order an Attachment to be granted againſt the Perſon or Perſons delinquent, to Arreſt or Apprehend the ſaid Perſon or Perſons, for his or their wilfull contempt; and in caſe no ſufficient Security or Bail be tendered, to Impriſon the ſaid party or parties, returnable the next Court, that is capable to take Cognizance of the matter in queſtion: as well to anſwer the ſaid contempt, as the Plantiffs Action; and upon conviction of contempt, the ſaid Court may impoſe a fine upon ſuch contemner, not exceeding *Twenty Shillings*, to be paid to the County Treaſury.

How to be Served.

Attachments for contempt.

Liberty of any perſon to take out Summons or Attachment in any civil Action, provided he give Bond.

And be it further Enacted by the Authority aforeſaid, That it ſhall be in the liberty of any perſon, to take out either a Summons or Attachment, in any civil Action againſt any defendant, his Goods and Chattels, and in want of Goods or Chattels, the Lands of the Defendant, or his Perſon may be Attached: *Provided* the Plantiff give ſufficient Security to proſecute his Action to effect, and anſwer all damages, in caſe he make not his plea good: and in all Attachments againſt any perſons Eſtate, notice ſhall be given thereof to the Defendant by reading the Writt to him, or in his hearing, or by a true Copy thereof left at the houſe or place of his uſual abode; if he be within this Colony: otherwiſe the Action ſhall not proceed; but if the Defendants place of aboad be out of this Colony, then the Action or cauſe ſhall proceed to a tryal; but judgment ſhall not be entered before the next Court; and if the Defendant do not then appear, judgment ſhall be entered, and execution granted. *Provided* the Plantiff give Security to be reſponſible to the Defendant, if he ſhall procure the judgment to be reverſed within one year, or within ſuch further time as the Court ſhall limit.

How perſons ſhall be warned againſt whom Attachments is granted.

When Actions may, and may not proceed.

An Act againſt Adultery.

Be it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and it is Enacted and Ordained by the Authority of the ſame, That whoſoever ſhall Commit Adultery with a Married Woman, or one Betrothed to another man, both of them ſhall be ſeverely puniſhed, by whiping on the naked Body, and Stigmatized, or burnt on the fore-head with the Letter A. on a hot Iron: and he or ſhe ſhall wear a Halter about his or her Neck, on the out-ſide of their Garments, during his or her abode in this Colony, ſo as it may be viſible; and as often as he or ſhe ſhall be found without their Halters worn as aforeſaid, they ſhall upon Information and proof of the ſame, made, before any Aſſiſtant or Juſtice of the Peace, be by them ordered to be whipt.

Adultery how puniſhed.

Adventurers in discovering Commodities.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That if any person or persons shall set themselves on work, to discover any Commodities that may be of use for the Country, for the bringing in a supply of goods from forreign parts, that is not as yet of use amongst us; he that discovers it, shall have due encouragement granted to him, and the Adventurers therein.

Incouragement to discoverers of Commodities.

Alarms, false Alarms.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That when there is an Alarm in any Town or Plantation in this Colony, the Souldiers shall repair to the several Squadrons or places, in which their chief Officers have appointed them to meet; and every person that shall refuse or neglect to attend his duty therein, shall be punished by a fine of *Five Pounds*, or imprisonment, or other corporal punishment. *Always Provided*, such delinquency be complained of and prosecuted within Six Months, and the delinquent do not give a satisfying reason to the Court, of his disability to attend the same.

In Alarms Souldiers to repair to their appointed Quarters.

Pen. 5 *l.*

Proviso.

And it is further Enacted by the Authority aforesaid, That if any person or persons in this Colony, without just and necessary occasion so to do, shall cause any Alarm by fireing any Gun or Guns, or otherwise, in any Town or Plantation in this Colony, at any time, between the shutting in of the evening, and break of the day, the person or persons that are discovered, and that shall be thereof legally Convicted, shall pay *Five Pounds* a piece, to the Publick Treasury of this Colony, or suffer two Months Imprisonment: *Provided* the delinquency be complained of and prosecuted, within Six Months after the same is committed.

False Alarms

Pen. 5 *l.*

Proviso.

And further it is Enacted by the Authority aforesaid, That if any person or persons shall unnecessarily shoot or discharge any Gun or Guns, or other fire Arms at any time between eighth of the Clock in the Night, and break of Day, though no Alarm follow, every such person shooting or discharging any Gun or fire Arms, in such a disorderly and unseasonable manner, and that shall be thereof legally convicted, shall pay a fine of *Five Shillings* for every such offence, or sit one hour in the Stocks; one half of which fine shall be to the complainer that shall prosecute his complaint to effect, the other half thereof to the County Treasury.

Penalty for unseasonable shooting.

Arrests.

IT is Enacted and Declared by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That no mans person shall be Arrested and Imprisoned, for any Debt or Fine, if the Law can find any competent means of satisfaction, otherwise from his Estate to be shewed and presented by him: and if not his person may be Arrested and Imprisoned, where he shall be kept at his own charge, till satisfaction be made, unless the Court that hath Cognizance

No man to be Imprisoned for debt in case &c.

Debtors to lye in prison at their own charge.

of the cauſe ſhall otherwiſe determine. *Provided* nevertheleſs that no mans perſon ſhall be kept in Priſon for debt, but when it appears that there is ſome Eſtate which he will not produce; in which caſe any two Aſſiſtants, or Juſtices of the Peace, may adminiſter an Oath to the party, or any other ſuſpected to be privy in concealing his Eſtate, who have hereby power to cauſe to come before them, any, and every ſuch ſuſpected perſon and perſons, and to examine them upon Oath, or otherwiſe as they ſhall think fit, and if any perſon ſhall refuſe to be examined, and diſcloſe as aforeſaid, he ſhall forfeit double the value of the Goods, Chattels, or Debts, ſo concealed, to be divided by the County Court to the Creditors; and if no Eſtate appear, he ſhall ſatisfy the Debt by Service, if the Creditor ſhall require it; in which caſe he ſhall not be diſpoſed of in Service, to any but of the Engliſh Nation.

Penalty for concealing their Eſtate.

if no Eſtate the Debtor to pay by ſervice.

Auditors.

FOR preventing of Inconveniencies in the Colonies Accompts, and that no Arrears be ſtanding out after the year be expired.

It is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That meet perſons ſhall by this Court be appointed Annually in *May* to make up and Audit the Colonies Accompt with the Treaſurer; which Accompts ſhall be Audited and perfected before the Sitting of the General Court in *October* yearly: and the Treaſurer is hereby obliged to make himſelf Debtor for the particular Sums of every Town in this Colony, and alſo for all fines belonging to the Publick Treaſury, and ſo for the whole Rate or Sum ariſing, by bringing the ſeveral particular Sums into one intire Sum, and to bring in Credit according to Law, until he ſhall conſummate and perfect the Colonies Accompts as aforeſaid: and this the Treaſurer ſhall do Annually, on penalty of the forfeiture of *Twenty Pounds* to the Publick Treaſury, for every Month, after the Month of *September* Annually, he ſhall neglect to make up and perfect the ſaid Accompts, and pay ſuch Sum or Sums as remain due.

Auditors to be appointed.

Treaſurer to make himſelf Debter &c.

Penalty.

And the Treaſurer of each reſpective County in this Colony, ſhall Annually make himſelf Debter for all fines belonging to the County, whereof he is Treaſurer; and alſo make a fair Accompt of his payments, how he hath diſpoſed of them; and the Accompts of each County Treaſurer, ſhall be Annually Auditted and perfected by the Judge and Juſtices of the County Courts reſpectively, and their reſpective Treaſurer.

County Treaſurer to make himſelf Debter.

his Accompts to be Audited.

And it is further Enacted by the Authority aforeſaid, That the Secretary of the Colony ſhall Annually give an Accompt to the Treaſurer of the Colony, of all the fines due to the Publick Treaſury; that the ſame fines may be gathered and improved for the uſe of the Colony: and a Copy thereof ſhall by the Secretary alſo be yearly tranſmitted to the Auditors, when they ſhall Audit the Treaſurers Accompts.

Secretary to give Accompt of Fines to the Treaſurer.

Ballaſt.

BE it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That no Ballaſt ſhall be taken from any ſhore in any Town within this Colony by any Perſon whatſoever; (except ſuch Maſters of Veſſels and Seamen as unladed them, and have neceſſity for them again, to balleſt their Veſſels,)

No Ballaſt to be taken without leave of Select-men.

Veſſels,) without allowance, under the hands of two of the Select men of ſuch Town, upon the penalty of forfeiting *Twenty Shillings*, for every Cart load ſo taken. And no perſon belonging to any Ship or other Veſſel, ſhall Caſt out any Ballaſt into any Channel or other place inconvenient, in any River or Harbour within this Colony, upon penalty of forfeiting *Five Pounds*; any two Aſſiſtants or Juſtices of the Peace to hear, judge and determine all breaches of this Act; and all fines accruing by vertue of this Act, to be and belong to the Treaſury of the Town, where the offence is committed.

Penalty.

Not to be thrown into Channels Harbours &c. Penalty.

Barratry.

BE it Enacted by the Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That if any perſon ſhall be proved and adjudged a Common Barreter, vexing others with unjuſt, frequent and needleſs Suites; he ſhall pay a fine of *Five Pounds* to the Publick Treaſury of this Colony, and be bound with one Surety for his good behaviour, for one year at leaſt: and it ſhall be in the power of the Court to reject his Suit.

Penalty on Barreters.

Baſtardy and Fornication.

BE it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That if any man ſhall Commit Fornication with any ſingle Woman, upon due Conviction thereof, they ſhall pay a fine of *Five Pounds* to the publick Treaſury of this Colony, or be corporally puniſhed by Whipping, not exceeding *Ten Stripes* each, at the diſcretion of the County Court, who ſhall have Cognizance of the offence.

Fornication how puniſhed.

And he that is accuſed by any Woman to be the father of a Baſtard Child, begotten of her body, ſhe continuing conſtant in ſuch accuſation, being examined upon Oath, and put upon the diſcovery of the truth in the time of her Travel, ſhall be adjudged the reputed father of ſuch Child, notwithſtanding his denyal; and ſtand charged with the maintenance thereof, with the aſſiſtance of the Mother, as the ſaid County Court ſhall order; and give Security to perform the ſaid order, and to ſave the Town or place where ſuch Child is Born, free from charge, for its maintenance; and may be committed to Priſon, until he find Sureties for the ſame; unleſs the pleas and proofs made and produced, on the behalf of the man Accuſed, and other circumſtances be ſuch as the Court, who ſhall have Cognizance of the ſame, ſhall ſee reaſon to judge him Innocent, and acquit him thereof, and otherwiſe diſpoſe of the Child. And every Aſſiſtant or Juſtice of the Peace, upon his diſcretion may bind to the next County Court, him that is charged or ſuſpected to have begotten a Baſtard Child: and, if the Woman be not then delivered, the ſaid County Court may order the continuance, or renewal of his Bond, that he may be forth-coming when the Child is born.

Baſtard Children how to be maintained.

The man charged to be bound to the next County Court.

Bills.

BE it Enacted by the Governour, Council and Repreſentatives, Convened in General Court of Aſſembly, and by the Authority of the ſame, That any Debt due upon a Bill or Bond, or other ſpecialty, ſhall be as good a Debt and Eſtate, to the Aſſignee, as it was to the Aſſigner, at the time of its Aſſignation: and that it ſhall be lawful for the Aſſignee to

Bill Aſſigned Good to the Aſſignee.

Sue for and recover the ſaid Debt or Debts due upon Bills, Bonds, or other Specialties, and take out Execution upon the ſame ſo aſſigned, as fully as the original Creditour might have done. *Always Provided*, the ſaid Aſſignment be made in writing, and ſubſcribed with the Aſſigners own hand, and Witneſſed by two Witneſſes; and when judgment is given by any Court, upon any Bill or Bond, and judgment entered in the ſaid Court, and no Appeal or Review granted, the Clerk of ſaid Court ſhall endorſe upon ſaid Bill or Bond, [*Judgment given upon this Bill*] at ſuch a Court, at ſuch a time.

Proviſo.

Judgment to be Endorſed.

Bounds of Towns, and particular Perſons.

FORASMUCH as the Bounds of Towns, and of the Lands of particular Perſons are carefully to be maintained, and not without great danger to be removed by any; which notwithſtanding (by deficiency and decay of marks,) may at unawares be done, whereby great jealouſies of Perſons, troubles in Towns, and in Courts do ariſe: Which to prevent.

It is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That every Town in this Colony ſhall procure their bounds to be ſet out; and when their bounds are carefully ſet out by ſuch marks and boundaries, as may be a plain direction for the future; which marks ſhall be a great heap of Stones, or a Ditch of ſix foot long, and two foot and an half wide, of ordinary depth: and ſhall be made at every corner of the Bounds of every Townſhip, and in the lines drawn from corner to corner, one at leaſt in every eighty rods; and two or more Perſons ſhall by the Select-men in each Town, be appointed to renew the bounds between their Towns, at leaſt once in every year, either in the Month of *March* or *April*, upon penalty of *Five Pounds* forfeiture, for every Town that ſhall neglect the ſame; the one half of which *Five Pounds* ſhall be to the uſe of the Neighbouring Town, with whom they do refuſe or neglect to joyn in perambulation, or renewing the marks; and the other half to the County Treaſury; and the Select-men of the moſt antient Town, are to give notice to the Select-men of the next adjacent Towns, of the time and place of their meeting for ſuch perambulation, ſix dayes before hand: and the Perſons appointed for ſuch perambulation, ſhall go in their ſeveral Quarters by order of the Select-men, at the charge of the ſeveral reſpective Towns ſending them.

Every Town once a year to run their bounds.

Marks for bounds.

Time to run bounds.

Penalty for neglect.

And it is further Enacted by the Authority aforeſaid, That if any particular proprietour of Lands, lying unfenced or in a common field with others, ſhall refuſe to go by himſelf or his Aſſignee, the bounds betwixt his Land and thoſe whoſe Land lyeth next him, once a year in the Month of *March* or *April*, or elſe in the Month of *October* or *November*, being requeſted thereunto upon one Weeks warning, he ſhall forfeit for every days neglecting, after ſuch warning, the Sum of *Ten Shillings*, half to the party moving thereunto, and the other half to the Town Treaſury: *Provided* all breaches of this Law be complained of and proſecuted, at the next County Court in that County, and the owners of all ſuch Lands, lying in common as aforeſaid, ſhall bound every parcel thereof with ſufficient meerſtones, of eighteen inches long at leaſt, ſix inches of which ſhall be above ground, and ſhall preſerve and keep them ſo, upon the penalty of forfeiting the Sum of *Twenty Shillings*, for every month in which they are not ſo kept.

Particular perambulation to be attended.

Penalty for neglect.

Proviſo.

Impropriated grounds to be bounded with meerſtones.

Penalty.

And

And if any perſon or perſons ſhall willfully, or maliciouſly, pull up and remove any meerſtone lawfully Erected, or demoliſh and deſtroy any lawful Land mark, to the prejudice and damage of any perſon therein concerned, every perſon ſo offending, being thereof convicted before the County Court of that County, where the offence is committed, ſhall forfeit the Sum of *Five Pounds*; one moiety thereof to the Treaſury of the County, and the other moiety to the perſon or perſons thereby injured.

Penalty for removing any Land mark or meer-ſtone.

Brands for Horſes, Branders &c.

BE it Enacted by the Governour, Counſil and Repreſentatives, Convened in Generall Court or Aſſembly, and by the Authority of the ſame, That each Town in this Colony ſhall have a Town Brand, to brand their Horſes with a ſeveral Letter, as is hereby directed; *That is to ſay*, For,

Hartford	A	*Stoningtown*	K	*Weatherſfield*	W	*Glanſſenbury*	Ⓠ
Middletown	B	*New London*	L	*Farmington*	X	*Preſton*	℗
Simſbury	C	*Milford*	M	*Wallingford*	Y	*Plainfield*	△
Saybrook	D	*Norwich*	N	*Haddam*	Z	*Windham*	&
Greenwich	E	*Norwalk*	O	*Stratford*	S	*Danbury*	
Fairfield	F	*Lyme*	Q	*Woodberry*	P		
Guilford	G	*Stanford*	S	*Derby*	R		
New haven	H	*Branford*	T	*Waterbury*	K		
Windſor	I	*Killingworth*	V	*Lebanon*	8		

The ſeveral Towns brands,

Every of which Brands ſhall be ſet reſpectively on every Horſe and Horſe-kind, on the near or left Shoulder.

And one or two meet and ſuitable perſon or perſons, ſhall by the Inhabitants of each Town in this Colony, be choſen to brand all Horſes, and Horſe-kind as aforeſaid: who ſhall be under Oath, and ſhall make an entry, or record of all Horſe-kind ſo branded by him, with their age and colour, natural and artificial marks, in a Book kept by him for that purpoſe; alſo all Sales and exchanges made of any Horſe or Horſe kind, which ſhall be preſented to him, he ſhall enter and record in his ſaid Book, with the names of ſuch Buyer, Seller or Exchangers, and place or places of their Reſidence, together with the price or conſideration received, or paid for the ſaid Horſe or Horſe kind; and (for ready pay) ſhall grant Copies of any ſuch entrys, or records by him made when demanded; and every ſuch Brander ſhall be allowed *Six Pence* for every Horſe or Horſe kind by him branded and entered as aforeſaid, and *Four Pence* for every Copy or certificate by him granted, and *Three Pence* for each Mile he travels from his own home, to brand and enter any ſuch Horſe kind. And if any ſuch Brander ſhall preſume to brand any Horſe, Mare or Colt, that is above one year old, at any other place than at a Town, Pound, or at that place, or thoſe places appointed by the Town for that work, (except he has firſt received a ſpecial order from the Select-men of ſuch Town ſo to do,) he ſhall forfeit the Sum of *Forty Shillings*, for every ſuch offence; half to the complainer, and half to the Counties Treaſury in which he lives.

Branders to be choſen in every Town.

Branders duty and work.

Branders Fees, &c.

Penalty.

And if any ſuch Brander ſhall refuſe or neglect to brand or record any Horſe, Mare or Colt, (except ſuch as he is forbidden to brand and enter by Law) preſented to him, by any perſon or perſons, after his juſt Fees is tendred to him for the ſame; or ſhall refuſe or neglect to grant Copies of his record as aforeſaid; he ſhall for every ſuch offence, forfeit *Five Shillings*, to the perſon preſenting ſuch Horſe, or deſiring ſuch Copies, and

Penalty on branders that ſhall refuſe to brand Horſes &c.

all Damages ſuſtained by ſuch Perſon, and by him made to appear through ſuch Branders neglect.

Penalty for Counterfeiting any Town Brand.

And it is further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall Counterfeit any Town Brand, or cauſe to be branded any Horſe, Mare or Colt, on the near or left Shoulder with any Brand or Letter, being the brand of any Town in this Colony, without the knowledge or written order of the brander of ſuch Town under his hand, he or they ſo offending, ſhall forfeit the Sum of *Five Pounds* for every ſuch offence, half to the complainer, and half to the County Treaſury.

Bricks.

BE it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That for the future the length of all Bricks made within this Colony, ſhall be full Nine Inches, and their breadth four Inches and an half; and their thickneſs two Inches and an half; and that the upper ſide of every Mould, uſed to make bricks in, or that ſide on which they are ſtruck, ſhall be ſhod or plated with Iron; and whoſoever ſhall put to Sale any bricks that are not made according to this Act, ſhall forfeit all ſuch bricks or the full value of them; one half to the complainer, the other half to the Treaſury of the County, wherein the offence is committed.

Size of Bricks.

Penalty.

Bridges.

THIS Court conſidering the great danger that Perſons, Horſes and Teams, are expoſed unto by reaſon of defective Bridges, and Country High ways, in this Colony: For prevention whereof,

Loſs of Life through defect of Bridges.

It is Enacted and Ordained, by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That if any perſon at any time loſe his Life, through defect or inſufficiency of any Bridge in any Town-ſhip in this Colony, in paſſing over any ſuch Bridge or High-way, after due warning given unto any of the Select-men of the Town, in which ſuch defect is, in writing under the hand of two Witneſſes, or upon preſentment to the County Court of that County in which ſuch Town is, of ſuch defective Wayes or Bridges: that then the County or Town which ought to Secure ſuch Wayes or Bridges, ſhall pay a fine of *One hundred Pounds*, to the Parents, Husband, Wife or Children, or next of kin to the party deceaſed. And if any perſon loſe a limb, break a bone, or receive any other bruiſe, or breach in any part of his Body, through ſuch defect aforeſaid, the County or Town, through whoſe neglect ſuch hurt is done, ſhall pay to the party ſo hurt double damages: the like ſatisfaction ſhall be made for any Team, Cart, or Carriage Horſe, or other beaſt, or loading proportionable to the damage ſuſtained as aforeſaid. And the Inhabitants of the ſeveral Towns within this Colony, ſhall make, and keep in ſufficient repair, all the needful High-wayes and Bridges, within their reſpective Town-ſhips.

Penalty.

To be paid to next of kin.

For hurt to perſons &c. double damage

Every Town to keep their own Bridges & Ways in repair.

And for prevention of danger which may come by the inſufficiency of Bridges and paſſages, that lye upon Town High wayes, the care whereof doth belong either to the Town or particular Perſons to repair, who many times cannot procure Work-men to do the ſame.

It

It is further Enacted by the Authority aforesaid, That upon the complaint of any such Town or Person to any one Assistant, or Justice of the Peace, such Assistant or Justice of the Peace, shall be, and is hereby Impowred to issue out Warrants to the Constable, to Impress such Workmen in their Town ship, as shall be needful, to secure and repair the same; who shall be paid for their Work either by the Town, or Persons to whom such Bridges and Passages do belong. Assistant or Justice to grant Warrant to Impress men, to mend Bridges.

Briefs.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That no Briefs craving the Contribution of the People in any of the Towns or Plantations in this Colony, shall be read or attended, in any of the said Towns or Plantations, without it have the allowance of the Governour and Council, and be by them directed into what Towns or Congregations, it shall pass, (except it be for some special occasion, for any distressed or afflicted person of their own Inhabitants,) upon penalty of the forfeiture of *Five Pounds*, for every person that shall read and publish any such Brief, not allowed and directed as aforesaid; to be recovered by Bill, Plaint or Information, in any Court of Record; one third of the penalty to the Informer that shall prosecute the same to effect, and the residue to the County Treasury. Briefs by whom to be granted. Penalty.

Burglary and Theft.

BE it Enacted and Ordained by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That whosoever shall steal or purloin any Money, Goods or Chattels, and be thereof Convicted by Confession, or sufficient Witness upon Oath; every such offender shall forfeit treble the value of the Money, Goods or Chattels, so stollen or purloined, unto the owner or owners thereof: and be further punished by fine, or whipping, at the discretion of the Court or Justices, that have Cognizance of such offence, not exceeding the Sum of *Five Pounds*, or Twenty Stripes: And if any such offender be unable to make restitution, or pay such threefold damages, such offender shall be enjoyned to make satisfaction by Service; and the prosecutor shall be and is hereby impowred to dispose of said offender in Service, to any of His Majesties Subjects, for such Term as shall be assigned by the Court or Justices, before whom the prosecution was. And every Assistant and Justice of Peace, in the County where such offence is Committed, or where the Thief shall be apprehended, is hereby authorized to hear and determine all offences against this Law; *Provided* that the damage exceed not the Sum of *Forty Shillings*. Theft.

And if any person shall commit Burglary by breaking up any dwelling House, or shall rob any person in the Field or High wayes, such a person so offending for the first offence, shall be Branded on the Fore head with the Letter B. if he shall offend in the same kind the second time, he shall be branded as before, and also be severely whipt; and if he shall fall into the same offence the third time, he shall be put to Death as being incorrigible Burglary.

And if any person shall commit such Burglary, or rob in the Fields, or House on the Lords day, besides the former punishment, he shall for the first offence have one of his Ears cut off, and for the second offence in the same kind, he shall lose his other Ear in the same manner, and if he fall into the same offence the third time, he shall be put to Death as aforesaid.

Concealers of Theft.

And if any perſon or perſons ſhall conceal any Theft, or receive any ſtollen Goods, knowing them to be ſuch, (except the fact be private, or committed by ſome member of his own Family,) every ſuch perſon or perſons, ſhall be puniſhed, as he, or they that committed the Theft.

An Act for the puniſhing of Capital Offenders.

BE it Ordained and Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That,

Idolatry.

IF any Man or Woman, after legal Conviction, ſhall have, or worſhip any other God, but the LORD GOD, he or ſhe ſhall be put to Death. *Deut.* 13. 6. 17, 21. *Exod.* 22. 2.

Blaſphemy.

IF any perſon within this Colony, ſhall Blaſpheme the Name of GOD, the Father, Son, or Holy Ghoſt, with direct, expreſs, preſumptuous, or high handed Blaſphemy; or ſhall Curſe in the like manner, he ſhall be put to Death. *Levit.* 24. 15, 16.

Witchcraft.

IF any Man or Woman be a Witch, that is, hath, or conſulteth with a Familiar Spirit, they ſhall be put to Death. *Exod.* 22. 18. *Levit.* 20. 27. *Deut.* 18. 10, 11.

Murder.

IF any perſon ſhall commit any wilfull Murder, upon Malice, Hatred or Cruelty, not in a mans juſt and neceſſary defence, nor by caſualty againſt his will, he ſhall be put to Death. *Exod.* 21. 12, 13, 14. *Numb.* 35. 30, 31.

Murder thro' guile.

IF any perſon ſhall ſlay another, through guile, either by Poyſoning, or other ſuch Deviliſh practices, he ſhall be put to Death. *Exod.* 21. 14.

Beaſtiality.

IF any Man or Woman ſhall lye with any Beaſt, or bruit Creature, by carnal Copulation, they ſhall ſurely be put to Death, and the Beaſt ſhall be ſlain and buried. *Levit.* 20. 15, 16.

Sodomy.

IF any Man lyeth with Man-kind as he lyeth with a Woman, both of them have committed Abomination, they both ſhall ſurely be put to Death; except it appear that one of the parties were forced, or under Fifteen years of Age. *Levit.* 20. 13.

Rape.

IF any Man ſhall forceably and without conſent, Raviſh any Maid or Woman, by committing carnal Copulation with her, againſt her conſent, he ſhall be put to Death; provided proſecution and complaint be made forthwith upon the Rape. *Deut.* 22. 25.

Man Stealing.

IF any man ſtealeth a man or man-kind, and Selleth him, or if he be found in his hand, he ſhall be put to Death. *Exod.* 21. 16.

Falſe Witneſs.

IF any perſon riſe up by Falſe Witneſs, wittingly and of purpoſe to take away any mans Life, he or ſhe ſhall be put to Death. *Deut.* 19. 16, 18, 19.

Conſpiracy.

IF any perſon ſhall conſpire or attempt any Invaſion, Inſurrection, or publick Rebellion againſt this Colony; or ſhall treacherouſly and perfidiouſly, attempt the alteration and ſubverſion, of our frame of Government, fundamentally Eſtabliſhed by His late Majeſties gracious Charter, granted to this Colony, by endeavouring the betraying of the ſame, into the hands of any forreign power; he ſhall be put to Death.

Wilfull fireing a Dwelling-houſe &c.

IF any perſon of the Age of Sixteen years and upwards, ſhall Wilfully and of purpoſe, fire any dwelling-Houſe, Barn, or out-Houſe, he ſhall be put to Death, or ſuffer ſuch other ſevere puniſhment as the Court of Aſſiſtants ſhall determine, if no prejudice or hazzard to the Life of any perſon come thereby; and alſo ſatisfie all damages, to the wronged or agrieved party.

IF

IF any Child or Children above Sixteen years old, and of sufficient understanding, shall Curse or Smite their natural Father or Mother, he or they shall be put to Death: unless it can be sufficiently testifyed, that the Parents have been very Unchristianly negligent, in the Education of such Children, or so provoked them by extream and cruel Correction, that they have been forced thereunto, to preserve themselves from Death, or maiming. *Exod.* 21. 17. *Levit.* 20. 9. *Exod.* 21. 15. Children Cursing or Smiting Parents.

IF any man have a Stubborn or Rebellious Son, of sufficient understanding and years, *viz.* Sixteen years of Age, which will not obey the voice of his Father, or the voice of his Mother, and that when they have chastened him, he will not hearken unto them: then may his Father or Mother, being his natural Parents, lay hold on him, and bring him to the Magistrates Assembled in Court, and testify unto them, that their Son is Subborn and Rebellious, and will not obey their voice and chastisement, but Lives in sundry notorious Crimes, such a Son shall be put to Death. *Deut.* 21. 20, 21. Rebellious Son.

An Act to prevent the destroying and Murthering of Bastard Children.

WHEREAS many lewd Women that have been delivered of Bastard Children, to avoid their shame, and to escape punishment, Do Secretly Bury or Conceal the Death of their Children, and after, if the Child be found Dead, the said Women do alledge that the said Child was born Dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were Murthered by the said Women, their lewd Mothers, or by their assent or procurement.

Be it therefore Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That if any Woman be delivered of any Issue of her Body, Male or Female, which if it were born Alive, should by Law be a Bastard, and that she endeavour privately, either by Drowning or Secret Burying thereof, or any other way, either by her self, or the procuring of others, so to Conceal the Death thereof, that it may not come to light; whether it were born alive or not, but be concealed; In every such case the Mother so offending shall suffer Death, as in case of Murther; except such Mother can make proof by one Witness at the least that the Child, whose Death was by her so intended to be concealed, was born Dead.

An Act against High Treason.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and it is hereby Enacted and Ordained by the Authority of the same, That if any person or persons, shall compass or imagine the Death of our Soveraign Lord the KING, or of our Lady the QUEEN, or of the Heir apparent to the Crown; or if any person shall levy War against our Lord the KING, or be adherent to the Kings Enemies, giving them aid, and comfort in the Realm, or elsewhere, and thereof be probably attainted of open deed by His Peers, upon the Testimony of two Lawful and Credible Witnesses upon Oath, brought before the offender face to face, at the time of his arraignment; or voluntary confession of the party arraigned. Or if any person or persons shall counterfeit the Kings Great Seal, or privy Seal, and thereof be duely convicted, as aforesaid, then every such person and persons, so as aforesaid Offending, Compassing the Death of the KING &c. Levying War against the KING. Counterfeiting the Kings Great Seal &c.

Offending, shall be deemed, declared, and adjudged, to be Traitors, and shall suffer pains of Death, and also lose and forfeit as in cases of High Treason.

Tryals be Regulated according to the Law of *England* in cases of Treason.

And be it further Enacted by the Authority aforesaid, That the Tryal of all, and every person and persons whatsoever, accused, indicted and prosecuted for High Treason, and misprission of such Treason, shall be regulated according to Act of Parliament, made in the Seventh year of His present Majesties Reign, Entituled, *An Act for Regulating of Tryals in Cases of Treason, and Misprission of Treason*; and the party so accused, indicted and prosecuted, to be allowed the benefits and priviledges, in and by the said Act granted and declared.

Assize of Cask, Coopers &c.

Be it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That all sorts and kinds of right Cask used for any Liquor, Fish, Beef, Pork, or any other Commodities within this His Majesties Colony; shall be of *London* Assiz; *That is to say,* Butts to contain One hundred and twenty-six Gallons; Puncheons, Eighty four Gallons; Hogsheads, Sixty three Gallons; Tearles, Forty two Gallons; Barrels, Thirty one Gallons and an half; and made of sound, well seasoned Timber, and free of Sap; and that the Assize and measure of all Cask, used for Tarr and Cyder, that shall be exposed to Sale within this Colony, shall be as followeth, *viz.* the Barrel to contain Thirty Gallons; the half Barrel, and third of a Barrel of the same Gage proportionably: and that fit persons be appointed from time to time, in all places needful, to view and gage all such Cask; and such as shall be found of due Assize, shall be marked with the Gagers mark: who shall have for his paines *Four Pence per Tun*: and every Cooper shall set his distinct brand mark on his own Cask, on penalty of *Twenty Shillings*: and whosoever shall put to Sale any new Cask being defective, either in Workmanship, Timber, or Assize as aforesaid, upon proof thereof made before one Assistant or Justice of the Peace, he shall forfeit such Cask; one half to the Complaine, and the other half to the County Treasury.

Assize of Cask.

Assize of Cyder and Tar Cask.

Gagers to be appointed.

Coopers brand mark and Penalty.

And it is further Enacted by the Authority aforesaid, That the County Court in each County within this Colony, shall yearly in every Town needful thereof, choose and appoint a fit person or persons, to be Gagers and Packers; and them to Swear to the due execution of their Office; which if any person so appointed shall refuse, he shall pay the Sum of *Forty Shillings*, to the Treasury of the Town, where he lives; and another shall be chosen and appointed in his stead: and every Packer shall have of the owner, *Six Pence* a Barrel for every Barrel of Pork, Beef, or Fish, that he shall Pack; and every Gager and Packer, shall take care that all Cask in which he or they Packs Beef, Pork, Fish, or other goods committed to his care, be of true and full Assize, and that he Pack the same in no other Cask whatsoever, on penalty of *Ten Shillings*, for every Cask Packed by him, that is, or shall be defective in that respect: and if any of the before mentioned Provision shall be Packed into half Barrels or Firkins, the same shall be made in proportion, to the Assize aforesaid, and be marked by the Packer.

County Court to appoint Gagers & Packers

Penalty for refusing.

Packers Fees and Duty.

Penalty.

Packers mark.

And for the preventing of Fraud and Deceit in the Packing of Beef, Pork and Fish, to be put to Sale.

At

It is further Enacted by the Authority aforeſaid, That in every Town where ſuch goods are packt up for Sale or Exportation, the Gager or Packer of ſuch Town, or of the Town wherein they are put to Sale, or Shipped, ſhall ſee that it be well and orderly performed; *That is to ſay*, Beef and Pork, the whole, half, and quarter, and ſo proportionably: that the beſt be not left out: and ſo Fiſh, that they be packed all of one kind: and that all Cask ſo packed be full, and the Fiſh ſound and well ſeaſoned, ſetting his Seal or mark as aforeſaid, on all Cask ſo Packed: and if any ſuch proviſions be put to Sale, or Shipped for Exportation, in any part of this Colony, without the Packers mark, they ſhall be forfeited; one half thereof to the Publick Treaſury, and the other half to him or them that ſhall inform, or ſue for the ſame.

Beef & Pork to be ſorted when Packed.

Cattle to be Marked.

To prevent Differencies that may ariſe in the Owning and Claiming of Cattle, that be loſt or ſtray away.

It is Enacted and Declared by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That all the owners of any Cattle within this Colony, ſhall Ear-mark, or Brand all their Cattle, and Swine, that are above half a year old, (except Horſes) and that they cauſe their ſeveral Marks to be Regiſtred in the Town Book; and whatſoever Cattle ſhall be found unmarked, the owners of ſuch Cattle ſhall forfeit *Five Shillings* a head, whereof *Two Shillings* and *Six pence* ſhall be to the complainer, and the other half to the County Treaſury.

Cattle & Swine to be marked.

Marks to be recorded.

Penalty.

Cauſes, ſmall Cauſes.

It is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That any one of the Aſſiſtants or Juſtices of the Peace, ſhall have power to hear and determine by his diſcretion, according to the Laws here eſtabliſhed, all cauſes ariſing in that County where he Lives, (wherein the title of Land is not concerned) and wherein the Debt, Treſpaſs, Damage, or other matter doth not exceed *Forty Shillings*: who may alſo grant Summons to require the parties concerned, and Witneſſes to come before him; and after Judgment given, may grant Execution upon the Iſſue of the caſe, directed to the Sheriff, or other Officer; who is hereby required faithfully to execute the ſame.

Any one Aſſiſtant or Juſtice to hear & try ſmall Cauſes.

Children to be Educated.

Forasmuch as the Education of Children is of ſingular behoof and benefit to any People; and whereas many Parents and Maſters are too indulgent, and negligent of their duty in that kind.

It is therefore Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That the Select men of every Town in this Colony in their ſeveral Precincts and Quarters, ſhall have a vigilent eye over their Brethren and Neighbours, and ſee that none of them ſuffer ſo much Barbariſm, in any of their Families, as not to endeavour by themſelves or others, to teach their Children and Apprentices, ſo much Learning, as may enable them perfectly to read the Engliſh Tongue, and knowledge of the Capital Laws.

Select men & Grand Jury-men to ſee that Children be taught to read.

And Catechized.

And the Grand Jury men in each Town are hereby required, to be very careful in ſeeing the Education of Children, duely performed as aforeſaid: and if any be unable to do ſo much, that then at the leaſt, they procure ſuch Children and Apprentices, to learn ſome ſhort Orthodox Catechiſm without book, that they may be able to anſwer to the Queſtions, that ſhall be propounded to them out of ſuch Catechiſm, by their Parents or Maſters, or Miniſters, when they ſhall call them to an account, of what they have Learned in that kind: And if any Parents, Maſters, Select men, or Grand-Jury men, ſhall neglect the performing, what is by this Act required of them; every ſuch Parent, Maſter, Select-man, and Grand jury man, (being thereof legally Convicted) ſhall pay a fine of *Twenty Shillings*, to and for the uſe of the poor of the Town whereto he or they do belong: any one Aſſiſtant or Juſtice of the Peace, to iſſue and determine the ſame.

Penalty.

Children to be brought up in ſome Calling.

And it is further Enacted by the Authority aforeſaid, That all Parents and Maſters ſhall breed and bring up their Children and Apprentices, in ſome honeſt and lawful Calling, Labour or Imployment, profitable for themſelves and the Colony; and if any of the Select men, after Admonition by them given to ſuch Maſters of Families, ſhall find them ſtill negligent of their Duties, in the particulars afore mentioned; whereby Children and Servants, grow rude, ſtubborn and unruly, ſuch Select men, with the Advice of the next Aſſiſtant, or Juſtice of the Peace, ſhall take ſuch Children and Apprentices from them, and place them with ſome Maſter or Maſters for years; Boys until they be Twenty one years of Age, and Girles till they be Eighteen years old, to the end they may be Inſtructed, and forced to ſubmit to Government.

Unruly Children to be placed out.

Stubborn Children & Servants to be committed to the houſe of Correction.

And it is further Enacted by the Authority aforeſaid, That whatſoever Child or Servant within this Colony upon complaint, ſhall be Convicted of any ſtubborn or rebellious carriage, againſt their Parents or Governours; any two Aſſiſtants or Juſtices are hereby Authorized and Impowred, to commit ſuch perſon or perſons to the Houſe of Correction, there to remain under hard Labour and ſevere Puniſhment, ſo long as they ſhall judge meet.

Common Fields, and Fences.

WHEREAS the Condition of theſe Plantations is ſuch, that neceſſity conſtrains to improve much of the Ground belonging to the ſeveral Towns, in a Common Way; and whereas the Publick and general good may receive much prejudice, through want of a prudent ordering and diſpoſing of thoſe Common Lands, ſo as it may beſt effect the ſame.

Proprietors to meet & order affairs of the Field.

It is therefore Enacted by the Governour, Council and Repreſentatives, Convened in General Court or Aſſembly, and by the Authority of the ſame, That all thoſe that are Proprietors in any Common Field in this Colony, or ſo many of them as are reſiding in the Town or Plantation, where ſuch Common Field is Situate, ſhall meet together as need ſhall require, either for want of a ſtated Line for the Common Fence, or where there is need for the removing the Common Fence, from the line formerly ſtated, ſeriouſly to conſider and determine from time to time, in what line the Common Fence ſhall be Erected, for the ſecurity of ſuch Common Field; and alſo to chooſe and appoint a Committee of meet perſons to ſtate and ſettle the ſaid Line; and to ſet out to each Proprietor in ſuch Field, his part of the ſaid Common Fence, to be proportioned to him, according to his intereſt in ſuch Common Field; and to Appoint to each

to chooſe Committee.

to proportion the fence & ſet it out.

Proprietor,

Proprietor, the place where his part of the Common Fence ſhall be Erected; and alſo to conſider and determine in what way ſuch Common Field may be beſt Improved, for their Common Good: all which ſhall be determined by the Vote of the major part of the Proprietors, which major part ſhall be computed, not according to the number of the Perſons that are Proprietors, but according to their Intereſt in ſuch Field; and all ſuch perſons, as ſhall at any time be choſen by the major part of the Proprietors of any Common Field, to ſtate and ſettle the line for the Common Fence, and to proportion and ſet out to each Proprietor, his part thereof; are hereby required and impowred, duely and faithfully to attend and diſcharge that Service. And every Proprietor in ſuch Common Field, ſhall duely erect and maintain his proportion of the ſaid Common Fence, according to the direction of ſuch Committee, upon penalty of incurring ſuch forfeiture by his default as by Law is hereafter (in caſe of defective Fence) provided; and alſo attend all orders of the major part of the Proprietors of ſuch Common Field, (to be computed as aforeſaid) for the improvement thereof, for the Common good and benefit.

Vote of major part to rule, & how the major part ſhall be computed.

And for preventing of Damage that may be done in Common Fields, through the inſufficiency of Fences.

It is further Enacted by the Authority aforeſaid, That all Common Fields ſhall be ſufficiently Fenced, and that all Fences four foot high, being of Five Rayles, well and ſubſtantially Erected, and alſo all other Fence, either of Rayles, Boards, Stone-Wall, Hedge, Ditch, Brooks, Rivers, or Creeks, which in the judgment of the Fence viewers, ſhall be equivalent to the ſaid Five Rayl Fence, ſhall be adjudged to be ſufficient Fence, and no other: and the Fence viewers in the ſeveral Towns in this Colony, upon view of ſuch Common Fence, finding any part or parts thereof to be inſufficient and defective, ſhall without delay, give information to the owner or owners of ſuch Defective Fence, or to ſuch perſon or perſons as ought to maintain the ſame, of the inſufficiency thereof: who ſhall ſufficiently repair and amend all defects therein, within the ſpace of five days after notice given; and in caſe of his or their neglect, the ſaid Fence viewers are hereby required and appointed, forthwith to cauſe ſuch defective Fence to be ſufficiently made up and repaired: and the perſon or perſons to whom it belongs, to maintain ſuch Fence, ſhall pay double coſt and charge to the Fence viewers for repairing the ſame: and in caſe of their refuſal or neglect, to make payment as aforeſaid, by the ſpace of Ten days after an Accompt preſented, and demand thereof made; ſuch coſt and charge ſhall be levied by diſtreſs, and Sale of the offenders goods by Warrant from any Aſſiſtant or Juſtice of the Peace: and for want of goods or perſonal Eſtate, the Officer ſhall deliver to the Fence viewers ſo much of the Lands of the perſon deficient, as ſhall ſatisfy the fine by a reaſonable extent.

What Fence good & lawful.

Fence viewers duty & work.

their Fees.

Always Provided, That within the ſaid ſpace of Ten days after an Accompt ſhewed, and demand made according to Law, it ſhall be in the liberty of the perſon agrieved with the Accompt of the Fence viewers charged upon him, to make his complaint to any Aſſiſtant or Juſtice of the Peace near reſiding; and the Aſſiſtant or Juſtice of the Peace, ſhall upon his deſire, and at his coſt and charge, iſſue out a Warrant to the Select men of the Town where the cauſe ſhall happen, or to two other Fence viewers, that are neither of them parties to the caſe in controverſy, requiring them forthwith to view and apprize the coſt beſtowed, by the Fence viewers, in repairing the ſaid defective Fence; and the perſon that ought to maintain the ſaid Fence, ſhall forfeit to the Fence viewers, for repairing

Liberty to perſons agrieved.

the ſame, double coſts to the Apprizement of the perſons appointed, by the Aſſiſtant or Juſtice of the Peace: which double coſts, (upon refuſal or neglect of payment) ſhall be levied by diſtreſs, and Sale of the Offenders goods, by Warrant from any one Aſſiſtant or Juſtice of the Peace.

In what caſe Men & Teams may be Impreſſed to mend Common Fence

And further it is Enacted by the Authority aforeſaid, That if at any time the Fence viewers of any Common Field, ſhall find the Common Fence of ſuch Field defective, ſo much as that they are not able to repair, or to Hire ſufficient help to repair the ſame, ſo as that ſuch Common Field may be timely ſecured; and make complaint thereof to the next Aſſiſtant or Juſtice of the Peace; it ſhall be in the power of ſuch Aſſiſtant or Juſtice of the Peace, to iſſue out his Warrant to the Conſtable of ſuch Town, in which ſuch Common Field is Situate, or to the ſaid Fence viewers, to Impreſs men, and Teams ſufficient to repair ſuch defective Fence; who ſhall be paid by ſuch Fence viewers, for their Labour, as they can agree, or as ſhall be determined by ſuch Aſſiſtant or Juſtice of the Peace.

And whereas great Damages is annually done in Meadows, and Common Fields, by Cattle, which are either turned into Common Fields looſe, or kept and baited by Perſons that are careleſs, and remiſs in looking after ſuch Cattle.

No Cattle to be baited from the 10th. of *April* to the 10th. of *October.*

It is therefore Enacted by the Authority aforeſaid, That for the future, no perſon ſhall feed, or bait, any Oxen, Horſes, Cows, or other Creatures, in any Common Field, upon his Neighbours ground, without the leave or conſent of his ſaid Neighbour; from the Tenth day of *April*, to the Tenth day of *October* yearly; unleſs the ſaid Field by agreement and order of the Proprietors, ſhall be open ſooner: and any Perſons Cattle, Horſes, or other Creatures, being found feeding, or baiting as aforeſaid, upon any of his Neighbours Land within the time aforementioned, ſhall be liable to be Impounded by the Haywards, or any owners of ſuch ground; and the owner to pay *Two Shillings* a head for them, before they are releaſed.

Penalty.

Damage how to be paid.

And all damages that ſhall be done in any Common Field, or particular incloſure, by Cattle, Horſes, Sheep, or Swine, when the Fence is ſufficient, ſhall be paid by the owners of ſuch Cattle, Horſes, Sheep, or Swine; but if the Fence be defective, the Poundage ſhall be firſt paid by the owner or owners of ſuch Creatures; and by him be again recovered of that perſon whoſe Fence is found defective: and all damage ſhall be paid by ſuch perſon alſo, whoſe Fence ſhall be defective as aforeſaid.

Succeſſors to maintain the Common Fence of Predeceſſors.

And if any perſon or perſons having Land lying in any ſuch Common Field, ſhall Deceaſe, and his Sons or Succeſſors, refuſe to make, or maintain the Fence or Fences that belong to ſuch Lands, as the ſaid Deceaſed ſtood poſſeſſed of, at the time of his Deceaſe; the Committee choſen and appointed by the Proprietors of ſuch Common Field, are hereby Impowred, to make a juſt and equal proportion of ſaid Fence, fixing the ſame in the liſt of Fence, to the Succeſſors of the perſons Deceaſed, according as their ſhares ariſe in ſaid Fence, which Fence ſhall be always accounted to the Succeſſor or Succeſſors, as it was to their Predeceſſors.

He that improves to Fence

And further it is Enacted by the Authority aforeſaid, That what Lands lye in Common Unfenced, if one ſhall improve his Land by Fencing in ſeveral, and another ſhall not, he who ſhall ſo improve, ſhall ſecure his Land againſt other mens Cattle; and ſhall not compel ſuch as joyn upon him, to make any Fence with him; except he ſhall alſo improve in ſeveral as the other doth, and where one man ſhall improve before his Neighbour,

and ſo make the whole Fence; if after his ſaid Neighbour ſhall improve alſo, he ſhall then ſatisfy for half the others Fence againſt him, according to the preſent value, and ſhall maintain the ſame: and if either of them ſhall after lay open his ſaid Field, (which none ſhall do without three Months warning) the other ſhall have liberty to buy the dividend Fence, paying according to the preſent valuation, to be ſet by two men choſen by either party one.

None to lay open without 3 Months warning.

Provided, this Order ſhall not include houſe Lots, for in ſuch caſe, if one ſhall improve, his Neighbour ſhall be compellable to make and maintain one half of the Fence between them, whether he improve or not.

Fencing houſe Lots.

Provided alſo, that no man ſhall be lyable to ſatisfy for damage done in any ſuch ground, not ſufficiently Fenced; except it ſhall be for damage done by Swine, under a year old; or by unruly Cattle which will not be reſtrained by ordinary Fences: or where any man ſhall put his Cattle, or otherwiſe voluntarily Treſpaſs upon his Neighbours ground; and if the party damnified find the Cattle damage feaſant, he may impound them according to Law.

Cattle taken damage feaſant to be Pounded

And whereas much damage is done in Common Fields by thoſe that incloſe Lands in ſuch Fields for Paſture, through the inſufficiency of their Fences.

Be it therefore further Enacted by the Authority aforeſaid, That ſuch Incloſures ſhall be ſufficiently Fenced, for the ſecuring of Beaſts that are put into them for Paſture, to be viewed and judged by the Fence viewers in the Townſhip where ſuch Incloſures are: and if any perſon or perſons whatſoever, ſhall put any Horſes, Oxen, Cows, or leſſer Cattle to Paſture in any ſuch Incloſure, which in the judgment of the ſaid Fence viewers, is not ſufficiently Fenced, for ſecuring of ſuch Horſes or Cattle; or not by them judged to be ſufficient: all ſuch Horſes and Cattle, ſhall be as liable to be Impounded, as if they were looſe in the open Field; and if any Horſes or Cattle, that are put into any Incloſure within a Common Field for Paſture, ſhall break out, and be found damage feaſant in the Common Field, the owners of ſuch Horſes and Cattle, ſhall pay coſt of Poundage and damages, as the Law in any caſe requires.

Incloſures within Common Fields.

Commons to be cleared.

For the Incouragement of keeping of Sheep.

Be it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That every Male perſon fit for Labour in each Town in this Colony, from Fourteen years old to Seventy, (except Magiſtrates, Miniſters of the Goſpel, Ruling Elders, School-maſters and Phyſitians,) ſhall work one day in each year by themſelves, or ſome meet perſon, (unleſs the Town ſhall judge their Commons are ſufficiently cleared,) in cutting down, and clearing the underwood, in any High ways, Commons, or other places agreed on by the Town, when the Select men ſhall appoint them: and the Grand Jury men in each Town, are hereby required and Impowred, to attend and overſee the work, with the Select men; and if the Select-men or Grand-Jury men, or either or any of them, ſhall refuſe or neglect to attend the ſaid Work, or make preſentment of all, and every perſon and perſons that do not attend and faithfully diſcharge the ſaid work, within three days after ſuch neglect, he ſhall pay a fine of *Ten Shillings* to the Town Treaſury: and if the Select men ſhall neglect to call out the Inhabitants

Who are to work in clearing the Commons.

Select men to appoint the time, & with Grand-Jury men to overſee the work.

Penalty.

of the Town, whereto they reſpectively do belong, as aforeſaid, they ſhall forfeit *Five Pounds* to the uſe aforeſaid; and every perſon that ſhall neglect or refuſe to work as aforeſaid; (after three days warning given) ſhall pay a fine of *Five Shillings* to the Town Treaſury, to be recovered in any Court of record, (upon due proof thereof) by plaint or Information.

Penalty for neglecting to work.

Conſtables.

Conſtables to be choſen and ſworn before the 1ſt. of *January* in each year.

It is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That the Conſtables in each Town in this Colony, ſhall be yearly choſen and Sworn to that Office, by ſome Aſſiſtant or Juſtice of the Peace, before the firſt of *January* in each year.

Offenders to be conveyed from Conſtable to Conſtable.

And it is further Enacted by the Authority aforeſaid, That every perſon tendered to any Conſtable of any Town in this Colony, by any Conſtable or other Officer, belonging to any of our Neighbour Provinces or Colonies, or by Warrant from any of their Authority, ſhall preſently be received and conveyed forthwith, from Conſtable to Conſtable, until he ſhall be brought unto the place to which he is ſent, or before ſome Aſſiſtant or Juſtice of the Peace in this Colony, who ſhall diſpoſe of him or them, as the juſtice of the caſe ſhall require: and that all Hue and Crys, ſhall be duely received, and diligently purſued to full effect. And all Hue and Crys taken out by any particular perſon, in his own caſe, ſhall be at the coſt and charge of ſuch perſon as ſhall take them out; but all ſuch as are ſent after Capital or Criminal Offenders, ſhall be at the charge of the Colony.

who to pay for hue & crys.

Conſtables power.

And be it further Enacted by the Authority aforeſaid, That every Conſtable within this Colony, ſhall henceforth have full power to make, ſigne, and put forth purſuits, or Hue and Crys after Murderers, Peace-breakers, Thieves, Robbers, Burglarers, and other Capital Offenders; where no Magiſtrate or Juſtice of the Peace is near hand: alſo to apprehend without Warrant ſuch as are over-taken with Drink, Swearing, Sabbath-breaking, ſlighting of the Ordinances, Lying, Vagrant perſons, night Walkers, or any others that ſhall offend in any of theſe: *Provided* they be taken in the manner, either by ſight of the Conſtable, or by preſent Information from ſome others: as alſo to make ſearch for all ſuch perſons, either on the Sabbath Day, or other days when there ſhall be occaſion, in all Houſes Licenſed to Sell Beer, Wine, or any Liquors, and in any ſuſpected or diſordered places, and thoſe to apprehend and keep in ſafe Cuſtody, till opportunity ſerves to bring them before one of the next Aſſiſtants or Juſtices of the Peace, for further examination.

Conſtables to be aſſiſted.

Provided, that when any Conſtable is imployed by any Aſſiſtant or Juſtice of the Peace, for apprehending of any perſon or perſons, he ſhall not do it without a Warrant in writing; and if any perſon ſhall refuſe to Aſſiſt any Conſtable, in the Execution of his Office, in any of the things aforementioned; or at any time in the Execution of his Office, being by him required thereunto, he ſhall pay for neglect thereof *Ten Shillings*, to and for the uſe of the Colony, to be levied by Warrant from any Aſſiſtant or Juſtice of the Peace, before whom any ſuch offender ſhall be brought: and if it appear that any ſhall wilfully, obſtinately, or contemptuouſly, refuſe or neglect to aſſiſt any Conſtable, as is before expreſſed, he ſhall pay to the uſe of the Colony *Forty Shillings*, to be levied as aforeſaid. And if any Conſtable, or any other upon urgent occaſion, ſhall refuſe to do his beſt endeavour, in raiſing and proſecuting Hue and Crys, by foot, or (if need be)

Wilful neglect 40s.

by

by Horſe, after ſuch as have Committed any Capiral Crime; he ſhall forfeit to and for the uſe aforeſaid, for every ſuch offence, the Sum of *Forty Shillings*, to be levied as aforeſaid.

Penalty on Conſtables for neglect

And further it is Enacted by the Authority aforeſaid, That all Conſtables in this Colony, may and ſhall from time to time, make diligent ſearch throughout the Limits of their Town upon the Lords Days, and at all other times, ſo oft as they ſhall be Informed, or ſee cauſe, for all ſuch offenders as ſhall lye tipling in any Inn, or houſe of entertainment, or private houſe exceſſively or unſeaſonably; and after all perſons that ſhall Retail Strong drink without Licenſe: and warn all thoſe that frequent Publick houſes, and ſpend their time there Idly, to forbear, and alſo warn all thoſe that keep ſuch Houſes, not to ſuffer any ſuch perſon in their Houſes: and if upon due information any Conſtable ſhall refuſe or neglect, to make ſuch ſearch, ſeizure and preſentment of theſe, and all other breaches of any of our Laws, (coming within his knowledge) once in every Month, and be thereof legally Convicted before any one Aſſiſtant, or Juſtice of the Peace, he ſhall pay a fine of *Ten Shillings*, to the Treaſury of the County whereto he belongs, to be levied as aforeſaid.

Conſtables to ſearch for Offenders.

To preſent breaches of Laws, on penalty.

And be it further Enacted by the Authority aforeſaid, That the Conſtables in the reſpective Towns and Plantations, ſhall at all times when the Treaſurer ſhall call or require them, deliver their Accompts to him, under their hand or hands, both of what they have received upon the Colonies Accompt, and how they have paid it; which Accompt ſhall be ſigned and approved, by an Aſſiſtant or Juſtice of the Peace, if any inhabit there, if not by two of the Select-men of that Town; and each Conſtable ſhall gather his proportion of the Country Rate, and make payment thereof, by the Tenth day of *June* yearly: and ſhall make up, perfect and compleat their Accompts with the Treaſurer, on or before the ſaid Tenth of *June* Annually; upon the penalty of forfeiting *Forty Shillings*, for every defect therein, and payment of all Arrears and damages: and the Treaſurer is hereby ordered and impowred to ſend out his Warrant, to diſtrain the Eſtates of the reſpective Conſtables, for the payment of ſuch forfeitures, as ſhall be due from them for the breach of this Act, and his Arrears of Rates.

Conſtables to make up their Accompts by 10th. of *June*.

Penalty 40s.

And it is further Enacted by the Authority aforeſaid, That the Conſtables in the ſeveral Towns in this Colony, are hereby impowred to charge the Watch and Ward, in His Majeſties Name, (or the Name of the Authority here eſtabliſhed by His Majeſty) duely and faithfully, to attend their Watch and Ward, by Walking and Standing in ſuch places, where they may beſt diſcover danger, by the approach of an Enemy; or by Fire, or otherwiſe: which if they diſcover, they are to give notice thereof, by firing their Guns, and crying *Fire, Fire*, or *Arm, Arm*; they are alſo to Command them, to examine all ſuch perſons as they ſhall meet within the Streets, or other places unſeaſonably, and if they cannot give a good account of their occaſions, they are to return them to the Conſtable, who ſhall ſecure them, to be conveyed before ſome Aſſiſtant or Juſtice of the Peace, to give an account of their unſeaſonableneſs.

Conſtables charge to the Watch and Ward.

And it is Enacted and Ordained by the Authority aforeſaid, That upon the Deceaſe or Remove of any Conſtable, in any Town or Plantation in this Colony; the Select-men of that Town ſhall within Six dayes after ſuch Death or remove, call the Inhabitants of their Town together, and make choice of another Conſtable; who ſhall be Sworn according to Law, upon the penalty of *Five Pounds*, to be paid by the ſaid Select-men, to and for the uſe of the Publick Treaſury of this Colony, for every neglect.

New Conſtables to be choſen upon the Death or remove of the old

Constables to be Water Bayliffs.

And the Constables in the several Towns in this Colony, shall have the power of Water Bayliffs in their respective Towns, when and where there is occasion for the same.

Constables to have Black Staves with the Kings Arms on the head.

Select-men to provide Staves in 3 Months.

Penalty.

And be it further Enacted by the Authority aforesaid, That every Constable in this Colony, shall be furnished with a Black Staff, having a head with the Kings Arms thereupon; which Staves they shall carry when upon the Kings business, as a token or badge of their Office: And the Select men of each Town within this Colony, are to take care that such Staves are provided at their Towns charge, for the Constables in their respective Towns, within three Months after Publication hereof, upon penalty of *Five Shillings* for every Month (after the said three Months) they shall neglect the same; one half thereof to him or them that shall complain of and prosecute such Select men, the other half to the poor of the Town.

Counties Stated.

Hartford County.

New-London County.

New-Haven County.

Fairfield County.

BE it Enacted and Ordained by the Governour, Council and Representatives, Convened in General Court or Assembly, and by the Authority of the same, That the Towns on the River of *Connecticut*, from the North bounds of *Windsor*, (with *Farmington*, *Simsbury*, *Waterbury*, and *Windham*,) to the South bounds of *Haddam*, shall be and remain to be one County, which shall be called the County of *Hartford*. And that from the East bounds of this Colony, *viz.* *Narraganset*-River and *Bay*, (with the Country commonly called *Narraganset*, and *Pigscomsuck*, alias *Queenabaug*, *Stoningtown*, *New-London*, *Preston*, *Lebanon*, *Norwich*, *Lyme*, *Saybrook*) unto the West bounds of *Killingworth*; shall be and remain to be one County, which shall be called the County of *New London*. And that from the East bounds of *Guilford*, (with *Wallingford* and *Darby*,) to the West bounds of *Milford*, shall be and remain to be one County, which shall be called the County of *New-Haven*. And that from the East bounds of *Stratford*, (with *Woodberry* and *Danbury*,) to the West bounds of this Colony, shall be and remain to be one County, and shall be called the County of *Fairfield*.

Plantiffs liberty to Summon the Defendant into his own County.

And it is Enacted and Ordained by the Authority aforesaid, That in all Actions whatsoever, (wherein the Title of Land is not concerned,) it shall be lawful for the Plantiff to Summon any person, although a settled Inhabitant, out of any County in this Colony, to answer him or his Lawful Attorney, in the same County, where the Plantiff or his Attorney Lives; except the Plantiff dwell in the same County where the Defendant dwells.

Courts.

Two General Courts Annually at *Hartford*, and *New-Haven*.

BE it Enacted and Ordained by the Governour, Council and Representatives, Convened in General Court or Assembly, and it is hereby Enacted by the Authority of the same, That there shall be yearly two General Courts or Assemblies held in this Colony; the one at *Hartford*, the Second *Thursday* in *May*, the other at *New Haven*, the Second *Thursday* in *October*: unless it be upon occasion of Epidemical Diseases, Sicknels, or the like; the first shall be called the Court of Election, wherein shall be chosen from time to time, yearly, One Governour, One Deputy Governour, and Twelve Assistants, with a Treasurer, and Secretary, for this Colony.

Of whom to consist.

And the said General Courts shall consist of the Governour, or Deputy Governour,

Governour, and Six Assistants at least, with those of the Deputies, or Representatives from the several Towns in this Colony, that shall be present, and attend the said Courts: in which General Courts shall consist the power of this Colony, or Corporation; and they only shall have power to make Laws, and repeal them, to grant Levies, to dispose of Land undisposed of to particular Towns and persons: and also to have power to set up such Officers, and Judicatories, as they shall see necessary for the good Government of the People of this Colony: and also to call any Court or Magistrate, or any other person whatsoever to an account, for any misdemeanour, or Male Administration, and may for just cause displace them: or deal otherwise as the nature of the case shall require: and also may deal in any other matter, that concerns the good of this Colony: except the Election of Governour, Deputy Governour, Assistants, Treasurer and Secretary, which shall be done by the Freemen at the yearly Court of Election. *Provided* if there be want of Assistants by reason of Death, or otherwise, after the Election; such want shall or may be supplyed and made up, by the General Courts Election, or appointing some suitable person or persons, to supply such want, according to Charter.

Their power.

Particularized.

Restrained.

And it is further Enacted by the Authority aforesaid, That the said General Court only, shall have power upon grounds to them satisfying, to Grant Suspention, Release, and Goal delivery, upon Reprieve in Capital and Criminal cases, unto any person or persons that have been Sentenced, in any other Court whatsoever in this Colony; any thing in any Law contained in any wise to the contrary notwithstanding.

To give Goal delivery to Capital offenders.

And none of our General Courts shall be Dissolved or Prorogued, without the consent of the major part thereof.

How to be Prorogued.

And be it further Enacted by the Authority aforesaid, That the Governour, or in his absence the Deputy Governour, by himself, or the Secretary, shall upon any Immergent or special occasion, call a General Court, upon Fourteen days warning, or less, if they see need: *Provided*, he give an account thereof to the Assembly, when they shall be met together.

By whom to be called together.

And it is further Enacted by the Authority aforesaid, That if any member of the General Court, shall reveal any matter which the Court Enjoyns to be kept Secret; or shall make known to any person, what any one member of the Court speaks concerning any person or business, that may come in Agitation in the Court; he shall for every such offence, forfeit *Ten Pounds* to the Publick Treasury. And the Secretary is hereby appointed at the beginning of every Session of the General Court, to read this Act.

Courts Secrets not to be revealed.

And further it is Enacted by the Authority aforesaid, That there shall be two Courts of Assistants, or Superiour Courts of Judicature, yearly held in this Colony, by the Governour, or Deputy Governour, and Six of the Assistants at the least: the first at *Hartford*, on the first *Thursday* in *May*, and the second at *New-Haven*, on the first *Thursday* in *October*; which said Courts shall have power to hear and determine, by a Jury of Twelve men, or otherwise according to Law, all such Appeals as shall be brought before them, from any of the County Courts, both of Civil and Criminal cases: and also all Tryals for Life, Limb, Banishment and Divorce. And it shall be in the power of the Court of Assistants upon necessary occasion, to adjourn the said Court. And the Governour, or in his absence the Deputy Governour, shall be, and is hereby Impowred to call a Special Court of Assistants, upon any extraordinary occasion.

Two Courts of Assistants in *May* and *October*.

Their power.

Power to Adjourn and call Special Court.

County Courts constitution & power.

And be it further Enacted by the Authority aforesaid, That there shall be held and kept in each respective County within this Colony, yearly, and every year, at the times and places hereafter in this Act mentioned, an Inferiour Court of Judicature, or County Court, by a Judge appointed and Commissionated, with two or more Justices of the Quorum, to hold the said Court; who shall have power to determine by a Jury, or otherwise, according to Law; all causes, Civil and also Criminal, (not extending to Life, Limb, Banishment or Divorce,) arising or happening within such County; the Jury for this Court to be Summoned out of the Neighbour Towns, and the County Sheriff to give his attendance there.

Times & places for holding the County Courts

And further it is Enacted by the Authority aforesaid, That the times and places for holding the said Inferiour Court of Judicature, or County Courts, within the several and respective Counties, shall be as followeth: *That is to say,* For the County of *Hartford*, at *Hartford* on the first *Tuesday* in *March*, and on the first *Tuesday* in *September*: For the County of *New Haven*, at *New Haven* on the third *Tuesday* in *March*, and on the second *Tuesday* in *November*: For the County of *New London*, at *New London* on the first *Tuesday* in *June*, and on the third *Tuesday* in *September*: For the County of *Fairfield*, at *Fairfield* on the second *Tuesday* in *March*, and on the first *Tuesday* in *November*.

Special County Court may be called.

And it is further Enacted by the Authority aforesaid, That the Judge of each respective County Court, shall be, and is hereby impowred to call a Special County Court, in his respective County upon any extraordinary occasion; *Provided* no charge arise thereby to the County.

Their power to Adjourn & appoint their own Clerk &c.

And further it is Enacted by the Authority aforesaid, That the Judge and Justices of each respective County Court, shall be, and are hereby impowred, to adjourn the said Court upon any necessary occasion, as they see cause. And also to nominate and appoint their own Clerks, and a Treasurer and Sheriff, for their County.

County Clerks power.

And the Clerks of the several Inferiour Courts of Judicature, or County Courts in this Colony, shall be, and are hereby impowred to grant Attachments, Summons, and Replevin, according to Law; and also to grant Execution upon Judgments, granted and acknowledged, or confessed, in the said Courts: except in cases of review, and when Appeals be entered in any of the said Courts for tryal, at the Superiour Court, or Court of Assistants.

Judge and Justices of the County Courts to hold the Court of Probates.

And it is further Enacted by the Authority aforesaid, That the Judge appointed to keep the County Court in each County in this Colony, with two of the Justices of the Quorum, shall from time to time, hold and keep the Court, for Probate of Wills, granting Administration, and appointing and allowing of Guardians, with full power to act in all matters proper, for a Prerogative Court: and that in the absence of the said Judge, it shall be in the power of three of the Justices of the Quorum, in their respective Counties, to keep the said Prerogative Court; and the first nominated in their Commission, to preside; and the said Prerogative Court, shall have full power to appoint all Officers needful and proper, for the said Court: and if any person be agrieved with the determination of the said Court, such person shall have liberty of Appeal to the Court of Assistants.

Coines

Coines.

An Act for Aſcertaining the value of Coines Currant, within this Colony.

WHEREAS *for many years paſt the Money Coyned in the late* Maſſachuſetts Colony, *hath paſſed Currant at the Rate or value it was ſtampt for: and good Sevil Pillar, or Mexico Pieces of Eight, of full Seventeen Penny weight, have alſo paſſed Currant, at Six Shillings* per *Piece; and half pieces of proportionable weight, at three Shillings* per *Piece: Quarter Pieces of the ſame Coyn, at Sixteen Pence* per *Piece; and Reals of the ſame Coyn, at Eight Pence* per *Piece.*

Be it therefore Enacted and Declared by the Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That all and every the Coines before mentioned, ſhall ſtill be and continue Currant Money within this Colony; and ſhall be accepted, taken and received at the reſpective values aforeſaid, according as hath heretofore been accuſtomed.

Provided always, That ſuch of the ſaid Coynes, as paſs by tale, be not diminiſhed, by Waſhing, Clipping, Rounding, Filing or Scaling.

Cruelty.

IT is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That no man ſhall exerciſe any Cruelty towards any Bruit Creature, ſuch as are uſually kept for the uſe of man; upon pain of ſuch puniſhment as in the judgment of the Court, the nature of the offence ſhall deſerve.

Damages pretended.

IT it Enacted by the Governour, Council, and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That no man in any Suit or Action againſt another, ſhall falſely pretend great Damages, or Debts, to vex his Adverſary: and if it ſhall appear that any perſon doth ſo, the Court ſhall have power, to ſet a ſuitable fine on him.

Death untimely.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives, in General Court Aſſembled, and it is hereby Enacted by the Authority of the ſame, That when and ſo often as any perſon ſhall come to any ſudden, untimely or unnatural Death, the next Aſſiſtant or Juſtice of the Peace, or in their abſence, the Conſtable of the Town, ſhall forthwith Summon a Jury of Twelve able and diſcreet men, to enquire of the cauſe, and manner of his Death; who ſhall preſent a true Verdict thereof upon Oath, unto ſome near Aſſiſtant or Juſtice of the Peace, who ſhall return the ſame to the next Court of Aſſiſtants. Sudden Deaths to be enquired into by a Jury.

And if any man Summoned to Serve as a Juror, to enquire of the cauſe and manner of the ſudden Death of any perſon, ſhall refuſe, or neglect to attend Penalty for Jurors not attending.

attend that Service, according as he was Summoned thereto; every such man shall forfeit *Twenty Shillings*, for every such neglect, to be to the use of the Treasury of the County whereto he doth belong, and to be levied by Warrant from any Assistant or Justice of the Peace.

Debts, Book Debts.

It is Enacted and Declared by the Governour, Council and Representatives, Convened in General Court or Assembly, and by the Authority of the same, That all such Book Debts as are now standing out, or that hereafter shall be made, and that shall not within Seven years next after such Debt was contracted, be either Sued for, Ballanced or Accounted for, with the original Debtor, his certain Attorney, Agent, Assignee, or other Lawful Successor or Substitute; and an Accompt or Ballance thereof, assured by Specialty given for it; or Witnessed by Subscribing the Debtor, or Accomptants name, to the Creditors Book, or Subscription of two Witnesses to such Accompt; shall not be recoverable in any Court in this Colony; unless such Book Debt, shall within the time before limited, be prosecuted, or proved in such Court as hath Cognizance thereof by competent Evidence approved by the Court, and the Evidences there recorded, and the records thereof shall Secure the Creditor, his Executor, Administrator or Assigns: *Provided* the Debtor or his Assignee shall not disprove the same within one year, after such proof made, or recovery of the said Debt.

Book Debts to be Accounted for in 7. years or else not pleadable.

Unless *&c.*

Proviso.

Delinquents.

Be it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That all persons hereafter committed upon Delinquency, shall bear and pay the charges the Colony shall be at in the Prosecution of them, and shall pay to the Master of the Prison, or house of Correction, his just Fees due by Law, before he or they be freed there-from.

Delinquents to bear their own charge.

And it is further Enacted by the Authority aforesaid, That if any person or persons whatsoever, shall presume to plead in the behalf of any person or persons, that are upon Examination, or Tryal for Delinquency, (except he or they speak directly to matter of Law, and with leave from Authority present;) every person so offending, shall pay a fine of *Ten Shillings* to the Publick Treasury of this Colony, or Sit in the Stocks one hour, for every such offence.

To have no Advocates.

And whereas often times Delinquents when they are called to make answer for their Delinquency, do behave and carry themselves insolently and contemptuously unto, and before Authority: which to prevent,

It is further Enacted by the Authority aforesaid, That the several Officers and Ministers of Justice in this Colony, upon their Examination or Tryal of any person or persons, brought before them for Delinquency; if any such persons, shall in their words or actions, carry contemptuously, or disorderly, it shall be in the power of any of the said Ministers of Justice, to inflict such punishment upon them, as they shall judge most suitable to the nature of their offence: *Provided*, that no particular Minister of Justice shall inflict any other punishment, upon such person or persons, than Imprisonment, binding them to the Peace, or good behaviour, till the next County Court

Disorderly Delinquents how to be punished.

Court in that County, committing them to the Stocks, there to ſit not above two Hours, or a fine not exceeding *Thirty Shillings*.

And it is Enacted and Ordained by the Authority aforeſaid, That it ſhall be in the power of any of the Sheriffs, and Conſtables, (having received a Warrant, or order for ſo doing from the Governour, Deputy Governour, or any of the Aſſiſtants or Juſtices of the Peace,) to call forth any meet perſon, to do Execution upon any perſon or perſons, by Whipping, or otherwiſe, who ſhall have allowance for the ſame, from the Delinquent as the Authority ſhall determine. Sheriffs & Conſtables power to call forth perſons to do Execution.

Deputies.

BE it Enacted and Ordained by the Governour, Counſil and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That every Town in this Colony ſhall have liberty to ſend one or two Deputies, to every Seſſion of the General Aſſembly, which Deputies ſhall always be choſen by the Freemen of the reſpective Town ſending them And that ſuch perſons as ſhall be hereafter ſo deputed by the Freemen of their Towns, to deal in their behalf in the Publick affairs of the Colony, ſhall have the full power and voices of all the ſaid Freemen deputed to them, for the Making and Eſtabliſhing of Laws, and Repealing them, granting of Lands and Leavies, and all other the affaires of this Colony, in the General Aſſembly, wherein Freemen have to do: the Election of Aſſiſtants, and other Publick Officers, only excepted, at the uſual time of Election, wherein every Freeman is to give his own voice. Towns liberty to ſend Deputies. Deputies power.

And further it is Enacted by the Authority aforeſaid, That when the Deputies of the General Court are met together, before, or at any General Aſſembly, it ſhall be Lawful for them, or the major part of them preſent, to examine, hear, and determine any difference that may ariſe, about the Election of any of their Members. And that no perſon ſhall be accepted a Deputy in the General Court, that is not known to be a Freeman of this Corporation, and orderly choſen thereunto, by the Freemen of that Town for whom he Serves, nor before he hath taken the Deputies Oath. *See Oaths.* Deputies power to hear and determine differences about their Election. Deputies to be Freemen.

And it is further Enacted by the Authority aforeſaid, That from, and after the Publication hereof, every Deputy or Repreſentative of the General Aſſembly, ſhall be allowed, *Three Shillings* in Money, for every day of his attendance, and ſitting in the General Aſſembly: and that the Deputies of the County of *Fairfield*, ſhall be allowed after the ſame rate, for three days in their coming to, and going from the ſaid Aſſembly; and the Deputies of the County of *New Haven* after the ſame rate, for two days in coming to, and going from the ſaid Aſſembly; and the Deputies of the County of *Hartford*, ſhall be allowed for one day, after the ſame rate, for their coming to, and going from the ſaid Aſſembly; and the Deputies of the County of *New-London*, ſhall be allowed after the ſame rate, for three daves for coming to, and going from the ſame Aſſembly: every of which reſpective Salleries, ſhall be paid out of the Publick Treaſury of this Colony. Deputies allowed 3*s. per. diem.*

And further it is Enacted by the Authority aforeſaid, That at the opening of every General Aſſembly, the Clerk of the Houſe of Repreſentatives then, and every Morning from day to day, during the whole Seſſions, ſhall in open Aſſembly call over the Names of the ſeveral Deputies, Deputies to be called over by the Clerk of their Houſe.

of the respective Towns in the Colony; and Note those that are absent when called, who if they enter not their appearance within one hour after they are so called, they shall lose their Salleries for that day; and for such their absence shall be further liable to be fined, by the said House for their neglect, not exceeding the Sum of *Ten Shillings* for one dayes neglect, to be paid to the Publick Treasury of this Colony. *Always Provided*, That they that have obtained leave from the House to be absent, shall only forfeit their Salleries, for the time of their absence: and the Account of all the said penalties and forfeitures, shall from time to time, be by the Clerk of the House of Representatives, given in to the Secretary, and by him given to the Treasurer of the Colony.

Penalty for absenting.

Clerk of lower House to give account to the Secretary.

Distilling Corn and Malt.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That no Corn or Malt whatsoever, shall be distilled into Liquors, in any Town, Plantation or Peculiar, in this Colony; without a particular Licensa for the same, from the County Court of that County, wherein the Distiller Lives.

Distress.

IT is Enacted by the Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same, That no mans Corn or Hay, that is in the Field, or upon the Cart, nor his Garden Stuff, nor any other thing subject to present decay, shall be taken in any distress; unless he that takes it doth presently bestow it where it may not be Imbezeled, nor suffer spoil, or decay, or give Security to Satisfy the worth thereof, if it comes to any harm.

Divorce.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and it is Enacted and Ordained by the Authority of the same, That no Bill of Divorce shall be granted, to any Man or Woman lawfully Married, but in case of Adultery, or fraudulent Contract, or willfull Desertion for three years, with total neglect of Duty: or in case of Seven years absence of one party, and not heard of, after due enquiry is made: and the matter Certified to the Court of Assistants; in which case the other party may be deemed and accounted single, and unmarried: and in that case, and in all the other cases aforementioned, a Bill of Divorce may be granted by the Court of Assistants, to the agrieved party, who may then lawfully Marry, or be Married again.

Bill of Divorce may be granted in case.

Dowrys.

THAT there may be suitable provision made for the certain maintenance of Widdows, after the Decease of their Husbands.

Be it Enacted and Ordained, by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That every Married Woman, (living with her Husband in this

Widdows to have one third of the real Estate of their Husbands for Life.

this Colony, or elſewhere abſent from him with his conſent, or through his meer default, or inevitable Providence, or in caſe of Divorce, where ſhe is the innocent party,) that ſhall not before Marriage, be Eſtated by way of joynture in ſome Houſes, Lands, Tenements, or Hereditaments, for term of Life, or with ſome other Eſtate in Lieu thereof; ſhall immediately after the Death of her Husband, have right and intereſt, by way of Dower, in and to one third part of the real Eſtate of her ſaid Deceaſed Husband, in Houſes and Lands, which he ſtood poſſeſſed of, in his own right, at the time of his Deceaſe; to be to her during her natural Life; the remainder of the Eſtate ſhall be diſpoſed of according to the Will of the Deceaſed, and where there is no Will, according to Law. And that every Widdow ſo endowed as aforeſaid, ſhall maintain all ſuch Houſes, Fences and Incloſures, as ſhall be Aſſigned her for her Dowry, and ſhall leave the ſame in good and ſufficient Reparation; and if any ſuch Widdow ſhall not maintain ſuch Houſes and Fences as aforeſaid, it ſhall be in the power of the County Courts, to deliver ſo much of the ſaid Houſes and Lands, to the next Heir of the ſame, as the Rents thereof will repair ſuch defects ſufficiently; unleſs ſuch Widdow will give good Security, for the leaving ſuch Houſes and Fences in ſufficient repair.

Widdows to keep Houſes &c in repair & leave them ſo.

County Courts power to take away the Widdows dower in caſe.

Eccleſiaſtical.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives, Convened in General Court or Aſſembly, and by the Authority of the ſame, That no perſon whatſoever within this Colony, ſhall in any wiſe Imbody themſelves into Church Eſtate without conſent of the General Aſſembly of this Colony, and Approbation of Neighbour Churches.

Who may imbody into a Church Eſtate.

And it is further Enacted by the Authority aforeſaid, That there ſhall be no Miniſtry or Church Adminiſtration, entertained or attended, by the Inhabitants of any Town or Plantation in this Colony, diſtinct and ſeparate from, and in Oppoſition to, that which is openly and publickly obſerved, and diſpenced, by the approved Miniſter or Miniſters of the place: Except it be by Approbation of this Court, and the Neighbour Churches, upon penalty of the forfeiture of *Five Pounds*, for every breach of this Act. *Provided*, That this Act ſhall not hinder any private Meetings of Godly Perſons, to attend any Duties that Chriſtianity and Religion calls for, as Faſts, and Conferrences, with the allowance of the Settled Miniſter or Miniſters of the reſpective places: nor ſhall it take place, upon any that are hindred of coming to the Publick Aſſembly, by any juſt Impediments, as by the Weather, the Water, or the like.

What Miniſtry & Adminiſtrations are approved.

Proviſo.

And Forasmuch *as the Open Contempt of Gods Word and Meſſengers thereof, is the deſtroying Sin of Civil States and Churches; and the Preaching of the Word, by thoſe whom God hath ſend, is the Chief Ordinary means, Ordained by God for the Converting, Edifying, and Saving the Soules of the Elect, through the Preſence and Power of the Holy Ghoſt, thereunto Promiſed; and that the Miniſtry (of the Word is ſet up by God in His Churches, for thoſe Holy Ends, and according to the Reſpect or Contempt of the ſame, and of thoſe whom God hath ſet apart for His own Work, and Imployment, the Weal or Woe of all Chriſtian States, is much furthered and promoted.*

It is therefore further Enacted by the Authority aforeſaid, That if any Chriſtian ſo called, within this Colony, ſhall Contemptuouſly behave himſelf

Contemptuous Behaviour.

himself toward the Word Preached, or the Messengers thereof, called to dispence the same in any Congregation; when he doth faithfully Execute his Service and Office therein, according to the Will and Word of God; either by Interrupting him in his Preaching, or Administrations, or by charging him falsly with an Error, which he hath not taught, in the open face of the Church; or like a Son of *Korah*, cast upon his true Doctrine, or himself, any reproach, to the Dishonour of the Lord JESUS, who hath sent him, and to the Disparagement of that His Holy Ordinance, and making Gods ways Contemptible and Ridiculous; that every such person or persons (whatsoever censure the Church may pass) shall for the first Scandal, be convented and reproved openly, by the Magistrate in some Publick Assembly, and bound to his or their good behaviour: and if a second time any person or persons, shall break forth into the like Contemptuous carriages, he or they, shall either pay a fine of *Five Pounds* to the Publick Treasury of this Colony, or else stand two hours openly upon a block, or stool, four foot high, on a Publick Meeting day, with a Paper fixed on his Breast, written with Capital Letters, AN OPEN AND OBSTINATE CONTEMNER, OF GODS HOLY ORDINANCES: that others may fear, and be ashamed, of breaking out into the like Wickedness.

Penalty.

1*st*. Offence to be reproved.

2*d*. Offence 5*l* or stand on a block &c.

And it is further Enacted by the Authority aforesaid, That wheresoever the Ministry of the Word is Established according to the Order of the Gospel, throughout this Colony, every person shall duely resort and attend thereunto respectively, upon the Lords Day, and upon such Publick Fast dayes, and dayes of Thanksgiving, as are to be generally kept, by the appointment of Authority. And if any person within this Colony shall without just and necessary cause, withdraw himself from hearing the Publick Ministry of the Word, after due means of Conviction used, he shall forfeit for his ablence, from every such Meeting *Five Shillings*: all such offences to be heard and determined by any one Assistant or Justice of the Peace, from time to time; *Provided*, all breaches of this Law be complained of and prosecuted to effect, within one Month after the same.

The Word Preached to be attended.

Penalty 5*s*.

Proviso.

Elections.

Be it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That the Governour, Deputy Governour, and Assistants, may, and shall by the Freemen of this Colony, be both Nominated and Elected, in the most orderly, easy and speedy method: *And for that end,*

That the several Constables in the respective Towns throughout this Colony, without Expectation of any further Order, shall warn all the Freemen in their said Towns, to meet together yearly, on the third *Tuesday* in *September*, about Nine of the Clock in the Morning, at some convenient place by them appointed; when, and where they shall first choose Deputies, to attend the General Court in *October* next ensuing: and then every Freeman in each Town there present, shall give in his Vote or Suffrage, for Twenty Persons, (their Names being fairly written upon a piece of Paper,) whom he judgeth Qualified, to stand in Nomination for Election, in the Month of *May* next following; which Votes or Suffrages, shall be delivered to such Assistant, Justice of the Peace, or Constable, as shall inhabit in the Town where such Votes are given in, which Assistant, Justice or Constable, shall make entry of the names, of all such persons as the Freemen have Voted for, and the number of Votes that each person hath; a Copy whereof the said Assistant, Justice or Constable in each Town, shall send

Governour & Assistants to be chosen by Freemen.

Constables to warn Freemen to meet on 3*d*. *Tuesday* in *September*.

To choose Deputies.

Vote for Nomination.

To make Entry of Names & number of Votes.

Sealed

Sealed up, to the General Assembly in *October* next following, by the Representative of the respective Town: at which Assembly all the Votes of the Freemen of this Colony shall be compared, and those Twenty Persons that shall have the greatest number of Votes, shall be the persons whose Names shall be returned to the several Towns, to be the persons Nominated, to stand for Election in *May* next ensuing: out of which number the Governour, Deputy Governour and Assistants, shall be chosen: and all and every Constable, is to attend this order Annually, on penalty of the forfeiture of *Five Poundi*, to the Publick Treasury of this Colony, for every time he shall neglect the same. Penalty 5 *l.*

And it is further Enacted by the Authority aforesaid, That from and after the Publication hereof, all the Freemen of this Colony, without any other Summons, from year to year, shall or may upon the Second *Tuesday* in *May* yearly, either in person or proxy at *Hartford*, attend and consummate the Election of Governour, Deputy Governour and Assistants, and such other Publick Officers, as shall be appointed then to be chosen.

And that the Election by Proxys may be so managed, that there be no fraud or deceit used therein.

It it further Enacted by the Authority aforesaid, That the Secretary for the time being, shall with the orders of the General Court in *October* yearly, send a Copy of the Names of all those persons, who (having the greatest number of Votes) are chosen, to stand in Nomination for Election the *May* following: and the several Constables in the respective Towns throughout this Colony, without any further order, shall by themselves or some deputed by them, Warn all the Freemen in their respective Towns, to meet together at some suitable place, by them appointed, on the last *Tuesday* in the Month of *April* Annually, at Nine of the Clock in the Morning, when, and where they shall first choose Deputies, to attend the General Court in *May* next following: where also they shall have read to them the Freemens Oath, and a Law which puts a penalty upon disorderly Voting; and the Names of those chosen to stand in Nomination; out of which Number the Freemen may bring in to the said Constable, the Name of him whom they would have for Governour, for the year ensuing, fairly written upon a piece of paper, which the said Constable shall receive, and in the presence of the Freemen Seal them up in a piece of paper, and write on the out side of the said paper, the name of the Town, and these words (*Votes for the Governour:*) in like manner they shall bring in their Votes for the Deputy Governour, Treasurer, and Secretary, all which shall be received, Sealed up, and Written upon as aforesaid, what they are; but after the first two, *viz.* Governour, and Deputy Governour are Voted for, they shall bring in their Votes for all the rest of those Nominated to stand for Election, beginning with him that stands first in the Nomination, and bring in their Votes for him, which by the Constable shall be received, Sealed up, and written on as aforesaid; and so they shall proceed till they have past through the whole Nomination, and the Votes for Election of Assistants, shall be a written piece of Paper; and the Constables that receive the Votes, and Seals them up as aforesaid, shall by himself, or one of the Deputies of the Court, convey the said Proxys to *Hartford*, and deliver them at the Election, as they shall be appointed, to them who are ordered to receive and sort the said Votes; and at the time of Election those standing in Nomination, shall be put to Election, in the same order as they are propounded, after which (the Governour and Deputy Governour being first chosen) those Twelve persons, who shall have the greatest number of Votes, shall be the Assistants

Secretary to send the names of those Nominated for Election.

Constables to warn Freemen to meet last *Tuesday* of *April*.

To choose Deputies.

To Vote for Election.

Constable to Seal up the Votes.

Votes to be called for in order.

Constables to Convey Votes to *Hartford*.

Those Twelve that have most Votes to be Assistants.

of this Colony for the year ensuing. And the Constable of each Town shall take an account of the Names of all those that shall Vote in their several respective Towns, and send them with their Proxys.

An Act to prevent the English living with the Indians.

BE it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That if any English person or persons that now inhabits, or that shall hereafter inhabit within this Colony, shall depart from us, and settle or joyn with the Indians, every such person and persons shall suffer one years Imprisonment, at the least, in the House of Correction.

Escheats.

IT is Enacted and Declared by the Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same, That where no Heir or owner of Houses, Lands, Tenements, Goods or Chattels, can be found; such Houses, Lands, Tenements, Goods and Chattels, shall be secured to the Publick Treasury of this Colony, till such Heirs, or owners shall make due Claim thereunto; unto whom they shall be restored, upon just and reasonable Terms.

Executions.

BE it Enacted and Ordained by the Governour, Council and Representatives, Convened in General Assembly, and it is Enacted and Ordained by the Authority of the same, That when any Judgement is recovered by the Creditor, against the Debtor, or the Debtor hath acknowledged a Judgment against himself, and Execution is taken out for the same, the Sheriff or other Officer, to whom Execution is directed, shall repair to the place of the Debtors usual aboad, (if within this Colony) and demand the Debt due, with necessary charges, as for Transportation, or what else soever; and upon refusal of payment of the same, the Officer shall Levy Execution, upon any of the Estate of the Debtor, except such as is prohibited by Law, (as necessary Apparrel, Bedding, Tools and Arms, or Implements of his House hold, which are for the necessary upholding of his Life, unless presented by the Debtor, or Delinquent,) and if the Estate be Goods or Chattles, it shall be Sold at an Out-cry, all which Estate shall be Secured by the Officer, and an Accompt thereof fairly drawn, with time and place of Sale; which Accompt or Writing, shall be by him set up on the Sign Post of the Town, where the Estate is, Five days before the Sale thereof; at the end of which time, the Officer shall cause a Drum to be beaten, to give notice, that Customers may be invited to buy said Goods, or Chattels; and in case the Debtor shall pay his Debt, according to contract, and all necessary charges, in the space of Twenty dayes, next after the Five dayes aboveſaid, he shall have liberty to redeem the Estate Seized by Execution, and Sold at an Out-cry: And the same rule shall be observed for levying of Executions, for all Rates and Fines.

Officer to demand the Debt and Charge.

Officer to Levy Execution on any Estate not prohibited by Law.

To Sell Goods and Chattels at out-cry.

Debtor 20. days liberty to redeem.

Execution for Rates & Fines.

Apprizers of Land by whom to be Chosen.

And it is further Enacted by the Authority aforesaid, That in all Cases where Execution shall be Levied upon Lands, the Creditor shall choose

choose one man, and the Debtor shall chuse another, and the Officer a third if need be, to apprize said Land; and if either Debtor or Creditor, shall refuse or neglect to chuse such Apprizers, the Officer shall chuse one, or more as there is occasion, instead thereof, which Apprizers shall be under Oath. To be Sworn.

And further it is Enacted by the Authority aforesaid, That no Execution shall be Levied, upon any persons Land, if the Debtor present personal Estate, sufficient to Answer the Debt: and if any person shall conceal his Estate, by any way, or means whatsoever; it shall be lawful in any such case, for the Officer to Arrest the Body of such person or persons, and Convey him or them to the Goal, there to remain, until he or they shall expose his or their Estate to the Officer for Execution: or pay the Debt with the Cost and Charge arising thereupon. And all Executions, duly Served upon any Houses or Lands, being Returned into the Registers Office of the Town, where such Houses or Lands are Scituate, and there recorded, shall make a good Title to the party for whom they are taken, his Heirs and Assigns for ever. And no Execution shall be Levied upon any persons Land, where the Debt exceeds not *Forty Shillings*; unless personal Estate cannot be found to satisfie such Debt, or the Creditor consent to take Land.

Lands may not be taken if there be personal Estate.

Person may be Arrested.

Record of Execution and return thereof shall make a good Title.

Executions may not be laid on Lands in case.

And be it further Enacted by the Authority aforesaid, That all Executions, issuing out of the Clerks Office of the County Courts respectively, shall run into any County within this Colony, and shall be there Executed by the Officer or Officers, to whom they are directed: and that such Estate as is Seized by Execution, shall by the Officer be Endorsed on the back side of the Writ, and the Execution within Twenty days after it is Served, returned to the Office out of which it was taken, and kept there upon file: and if the Officer shall neglect to serve the Execution according to Warrant, or to make return thereof, according to the Order aforesaid; he shall forfeit the Sum of *Five Pounds*, to the Publick Treasury of this Colony for his default, and also satisfie all Damages that shall thereby happen to any person therein concerned.

Executions to run into any County.

To be Endorsed, returned and filed.

Penalty for neglect.

Fences.

Be it Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That all the Inhabitants of this Colony, shall make and maintain sufficient Fence or Fences, to secure their particular Fields and Inclosures, against all sorts of Cattel, (unruly Cattel only excepted) and whatsoever damage is done by Cattel, through the Insufficiency of Fence, in such Inclosures, (except before excepted) it shall not be recoverable by Law.

Particular Inclosures to be sufficiently fenced.

And for the prevention of Differences that may arise, in making or setting down of Fences, as well in Meadows as Up Lands.

It is further Enacted by the Authority aforesaid, That in the Setting of Posts and Rayles in the Meadows, and Home-lotts, there shall be a liberty for either party, of twelve inches from the Dividend Line, for breaking of the Ground to set the Posts on; and for the laying on of Hedge, but the Stakes and Posts shall be set in the Dividend Line; and in Up Land there shall be a liberty of four foot allowed for a Ditch, from the Dividend Line, for either of the Bordering parties, where the proportion

The liberty of those that fence in Meadows & Up-Lands for ditching, &c.

tion of Fences belongs to them. *Provided* always, that the Party that ſhall make the Ditch, ſhall lay the Bank thereof upon his own Land.

Ferrys.

Ferry-men to be provided with ſufficient Boats, Oars and Hands.

BE it Enacted and Obtained by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That every perſon that hath a Ferry granted to him over any Paſſage, ſhall at all times be provided with a good Tight Boat, ſufficient both for largeneſs, ſtrength and ſteadineſs, for the ſafe Tranſportation of Paſſengers, and their Horſes; well furniſhed with ſuitable Oars, and other Implements neceſſary for that Service, and men ſufficient to manage the ſame: and that none ſhall be imployed to Tranſport Travellers, but ſuch as are of approved Diſcretion, ſtrong, and able of Body, and well skilled in Rowing. And the Select-men in each Town where ſuch Paſſage is, are hereby required and impowred, to take effectual care, that this Order in all the parts of it, be duly attended by all the Owners of Ferrys.

Select-men to ſee this Order attended.

Priviledge of Ferry-men.

May not carry Paſſengers from anothers Ferry Proviſo.

And it is further Enacted by the Authority aforeſaid, That every Keeper of ſuch Ferry, ſhall have the ſole liberty for the Tranſportation of Paſſengers and their Horſes, from the place where ſuch Ferry is granted, to any other Ferry place, or uſual place of Landing. And no Ferry man, that ſhall Land Paſſengers at any other Ferry place, may take Paſſengers from thence if the Ferry Boat of that place be ready: *Provided* this Order ſhall not prejudice the liberty of any perſons that uſe to paſs in their own, or their Neighbours Boats, or Canoes to their ordinary Labour or Buſineſs.

And for preventing of Danger, in paſſing Common Ferrys.

No Ferry-man to uſe inſufficient Boat. Penalty.

It is further Enacted by the Authority aforeſaid, That no Ferry man ſhall Carry any Paſſenger over the Water, in any Boat that is not ſufficient according to Law; upon penalty of the forfeiture of ſuch Boat, or the value thereof; One moiety thereof, to the Publick Treaſury of this Colony, and the other Moiety to the Informer: and every Ferry-man, that ſhall not provide ſufficient Oars, and other neceſſary Implements, and alſo ſuch man or men, (as the condition of the paſſage ſhall require) qualified according to Law, for the ſafe and ſpeedy conveyance of Travellers, ſhall for every default therein incur ſuch penalty, as the County Court of that County wherein the paſſage is, upon complaint to them made, ſhall ſee cauſe to impoſe upon him; the penalty for one default not exceeding *Five Pounds*.

Penalty on Ferry-men not provided with Boat, &c.

No perſon to preſs into any boat. Penalty 10 *s.*

Ferry-men not to receive too many Paſſengers at once. penalty 20 *s.*

Their power to put out paſſengers.

And it is Enacted and Declared by the Authority aforeſaid, That no perſon ſhall preſs, or enter into any Ferry-boat, or other Ferry Veſſel, contrary to the will of the Ferry-man, or the moſt part of the Paſſengers firſt Entered; upon pain of forfeiting *Ten Shillings*, for every ſuch attempt; and that every Ferry-man that ſhall permit, or allow any perſon to come into his Boat, or other Ferry Veſſel, againſt the will of any Aſſiſtant, Juſtice of the Peace, or Repreſentative of the General Aſſembly, or any of the Elders of Churches, Shipped in ſuch Boat, or the greater part of the Paſſengers in the ſaid Boat; he ſhall forfeit for every perſon ſo admitted or received againſt their will ſo declared, the Sum of *Twenty Shillings*; and it ſhall be in the power of any Ferry-man, to keep out, or put out of his Boat, every perſon that ſhall preſs, enter into, or ſtay in any ſuch Ferry Boat, contrary to his order. And

And further it is Enacted by the Authority aforesaid, That all persons shall be received into such Ferry Boats, according to their coming first or last; only all Publick Officers, and such as go upon publick and urgent Occasions, as Physitians, Chyrurgeons, and Midwives, shall be Transported with the first. Order of receiving & carrying passengers.

And the Fares of all Ferrys throughout this Colony, shall be assessed only by the General Assembly, and the Assessment being published, according to Law; every Ferry man, that shall take more than the Fare so assessed, shall forfeit for every such offence, the Sum of *Forty Shillings*; one moiety thereof to the Publick Treasury, and the other moiety to be divided between the Informer and the person injured. The Fare of Ferrys to be set by the General Court. Penalty on Ferry-men that take more.

And be it further Enacted by the Authority aforesaid, That the Fares of the several Ferrys in this Colony, be as followeth, *That is to say, Hartford* and *Windsor* Ferrys over *Connecticut* River for Man, Horse and Load, *Nine-pence* in pay, or *Five pence* in Money: a single Man *Three pence* pay, or *Two pence* money: a single Horse, *Five pence* pay, or *Three pence* money. *Hartford* and *Windsor*.

Weathersfield Ferry over *Connecticut* River, for Man, Horse, and Load, *Nine pence* pay, or *Six pence* money, and a single Man, or single Horse, *Five pence* pay, or *Three pence* money. *Weathersfield*.

New London, and *Say brook* Ferrys, for Man, Horse and Load, *Twelve pence* pay, or *Eight pence* money: a single Man, *Four pence* pay, or *Three pence* money: Single Horse, *Eight pence* pay, or *Five pence* money. *Always Provided*, That *Say brook* Ferry-man, shall or may demand, receive, and take, for the Fare of his Ferry, in the Months of *December*, *January* and *February*, for Man, Horse and Load, *Eighteen pence* pay, or *Twelve pence* money, and so proportionable for a single Man or Horse. *New-London* & *Say-brook*.

Haddam Ferry, over *Connecticut* River, for Man, Horse, and Load, *Twelve pence* pay, or *Eight pence* money: a single Man, *Four-pence* pay, or *Three pence* money: Single Horse, *Eight pence* pay, or *Five pence* money. *Haddam*.

Norwich Ferry, for Horse, Man and Load, *Six-pence* pay, or *Four-pence* money: a single Man, or single Horse, *Two-pence* pay, or *One Penny* money. *Norwich*.

New-Haven Ferry, for Man, Horse and Load, *Six pence* pay, or *Four pence* money: Single person, *Two pence* pay, or *One penny* money: Single Horse *Three-pence* pay, or *Two pence* money. *New-Haven*.

Stratford Ferry, for Man, Horse and Load, *Six-pence* pay, or *Four pence* money: A single man, or single Horse, *Three-pence* pay, or *Two pence* Money. *Stratford*.

Provided Nevertheless, That this Act shall not disannul any former Agreement made between any Town, and Ferry man for their own Conveniency.

An Act for Regulating Fees.

Be it Enacted and Ordained by the Governour, Council and Representatives, in General Court Assembled, and it is hereby Enacted and Ordained by the Authority of the same, That the Establishment of the Fees belonging to the several Offices, in this Colony, be as followeth.

Assistants and Justices Fees. Cash.

	l.	s.	d.
Attachment or Summons for Action, *Eight-pence.*	00	00	08
When Bond is given, *One Shilling.*	00	01	00
A Warrant for each Witness, *Two pence,*	00	00	02
Entering and Trying an Action, *Two Shillings & Eight-pence.*	00	02	08

Every Execution, *Two Shillings.*	00	02	00
Every Warrant for Criminals, *One Shilling.*	00	01	00
Bond for Appeal, *Six pence.*	00	00	06
Copies of Evidences the leaſt, *Four pence.*	00	00	04
Copy of Judgment, *Eight pence.*	00	00	08
Every Recognizance, *One Shilling.*	00	01	00
Confeſſing of Judgment, *One Shilling.*	00	01	00
Each Affidavit out of Court, *Six pence.*	00	00	06
Each days Attendance at County Court, to be paid out of the County Treaſury, *Four Shillings.*	00	04	00
Acknowledging of a Deed, Mortgage, or or other Inſtrument, *One Shilling.*	00	01	00

County Courts Fees.

For receiving, and Probate of every Will, and Inventory of *Fifty Pounds* and under, *Two Shillings.*	00	02	00
For every Will and Inventory above *Fifty Pounds*, *Five Shillings.*	00	05	00
For each Quietus eſt, *Two Shillings.*	00	02	00
For taking acknowledgment of Judgment, *One Shilling.*	00	01	00
For every Action tryed by the Bench only, *Four Shillings.*	00	04	00
For every Jury Action (whereof *Six* to the Jury,) *Twelve Shill.*	00	12	00

Clerk of County Courts Fees.

Entry of every Action, *One Shilling.*	00	01	00
Each Quietus eſt, *Two Shillings.*	00	02	00
Entry of every Judgment acknowledged, *One Shilling.*	00	01	00
Recording every Will and Inventory of *Fifty Pounds*, or under, *Two Shillings* and *Six Pence.*	00	02	06
Recording every Will and Inventory above *Fifty Pounds*, not exceeding *One hundred Pounds*, *Three Shill.*	00	03	00
And *Six Pence* per 100. for every 100 *l.* after the firſt 100 *l.* and half ſo much for Copy of the ſame.			
For Attachment, Summons and Execution, and other things proper to him, as in the Aſſiſtants and Juſtices Fees.			
For every Licenſe and Bond (whereof half to the Court,) *One Shilling* and *Six Pence.*	00	01	06
Each Letter of Adminiſtration, *One Shilling.*	00	01	00
Each Bond for Adminiſtrators, *One Shilling.*	00	01	00

Court of Aſſiſtants Fees.

Every Appeal, *Twelve Shillings.*	00	12	00
And to the Jury, *Six Shillings.*	00	06	00
Taking acknowledgment of Judgments each, *One Shilling.*	00	01	00

Clerk of Court of Aſſiſtants Fees.

Entry of every Action, *Two Shillings* and *Six Pence.*	00	02	06
Copy of each Teſtimony, *Four Pence.*	00	00	04
Every Execution, *Two Shillings.*	00	02	00
Entry of Judgment acknowledged, *One Shilling.*	00	01	00
Filing each Individual Teſtimony, *Two Pence.*	00	00	02

Secretarys Fees.

For Orders of Publick concernment, ſent out into the ſeveral Towns, for each Copy, out of the Publick Treaſury, *Two Shillings* and *Six Pence.*	00	02	06
For Recording Laws and orders of Publick concernment, in the Colony records, each, *One Shilling.*	00	01	00
For affixing the Colony Seal, each time, *Two Shillings.*	00	02	00
When to Orders of Publick concernment, Commiſſions *&c.* to be paid out of the Publick Treaſury.			
Writing each Military Commiſſion, *One Shilling.*	00	01	00
Writing each Juſtices Commiſſion, *One Shilling* and *Six Pence.*	00	01	06
Writing each Judge of County Courts Commiſſion, *One Shilling* and *Six Pence.*	00	01	06
For each Petition to the General Court, *Three Shillings.*	00	03	00
And to the General Court, *Twelve Shillings.*	00	12	00

Sheriffs and Conſtables Fees.

SErving every Summons, *Six Pence.*	00	00	06
Serving Attachment, *One Shilling.*	00	01	00
And if above *One* Mile, *Three Pence* per Mile out.			
Taking Bail or Bond, *Eight Pence*	00	00	08
Levying Execution under *Five Pounds, One Shill. & Eight Pence.*	00	01	08
And every Mile out after the firſt Mile *Three Pence.*			
Every Execution above *Five Pounds,* not exceeding *Ten Pounds, Two Shillings.*	00	02	00
And for the Miles out as aforeſaid.			
Every Execution above *Ten Pounds, Three Shill. & Four Pence.*	00	03	04
And for the Miles out as aforeſaid.			

Goalers Fees.

FOr Commitment of a Priſoner, and Diſcharge, *Four Shill.*	00	04	00
For Dyet for each Priſoner *per* Week, *Two Shillings* and *Six Pence.*	00	02	06

And ſo proportionable, he finding the ſame.

And be it further Enacted by the Authority aforeſaid, That what Officer ſoever ſhall ask, demand and take any greater or other Fees, than are before mentioned, for the matters aforeſaid, or any of them; and be thereof duly Convicted in any Court of Record within this Colony, ſhall forfeit and pay the Sum of *Ten Pounds,* currant Money; one moiety whereof ſhall be unto the Publick Treaſury of this Colony, and the other moiety to the Informer, or him that ſhall Sue for the ſame, in any Court of Record; and ſhall further pay unto the party grieved, double the value of the exceſſive Fees ſo taken.

Penalty for taking exceſſive Fees.

Fines.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all Fines and Penalties put upon any perſon for Miſdemeanour, or breach of Law, (except ſuch as are expreſly mentioned to be paid in money) ſhall be paid in good currant pay, *viz.* Wheat, Peaſe, Indian Corn and Rye, a quarter of each; or two thirds of the Sum in currant money, or that which is equivalent thereunto; to be Sold at an Out cry, to procure ſuch pay.

Fines to be paid in currant pay.

To be paid forthwith, or Security given

To be Levyed within one year.

And be it further Enacted by the Authority aforesaid, That every person that shall at any time be fined for the breach of any penal Law, or other just cause, such person or persons shall forthwith pay his Fine or Penalty, or give in good sufficient Security speedily to do it, or shall be Imprisoned, or kept to work till it be paid; and the Estreats for the Levying of all Fines and Penalties shall be sent out within one year after the Conviction of the Delinquent.

Fees & Fines how disposed of.

And further it is Enacted by the Authority aforesaid, That all that is due (by Law) for the Tryal of Actions, Settling of Estates in the respective County Courts, or Courts of Probate: and all fines and penalties as shall be imposed upon persons for delinquency by the said Courts, or by any Assistant, or Justice of the Peace, according to Law, (which are not otherwise disposed of by Law) shall be, and belong to the several County Courts, to defray their Charges, and for payment of just Fees; and that which remains, shall be otherwise disposed of by the Assistants and Justices of the Peace, and *Quorum* within the County, for the best advantage of the said County,

Fire.

Fire not to be set in the Woods before the first of *March* or after the last of *April*.

It is Ordered and Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That if any person shall kindle any Fire in Woods or Grounds, lying in Common, or Inclosed (so as the same shall run into such Common Grounds or Inclosures) before the first day of *March*, or after the last day of *April*, in any year, or on the last day of the week, or the Lords Day: such person shall pay all Damages as come thereby, and half so much more for a fine; and if he or they be not able to pay the fine, then to be corporally punished, by Warrant from one Magistrate or more, as the Offence shall deserve, not exceeding Twenty Stripes for one Offence. *Provided* any man may kindle fire upon his own Ground at any time, so as no damage come thereby, either to the Country, or to any particular persons. And whosoever shall wittingly and willingly burn or destroy any Frame, Timber hewn, sawn or riven heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp, Flax, Fence, Pitch or Tarr, or any other Estate, he shall pay double damages.

Proviso

Penalty for wilful firing any Timber, &c.

Forgery.

Forgery how punished.

Be it Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted and Declared by the Authority of the same, That if any person or persons shall forge any Deed or Conveyance, Testament, Bond, Bill, Receipt, Release, Acquittance, Letter of Attorney, or any other Writing to prevent Equity and Justice: Such person or persons shall stand in the Pillory, three several Lecture Dayes, or Dayes of Publick Meeting; and render double damages to the party or parties wronged thereby; and also be disenabled to give any Evidence or Verdict in any Court, or before any Magistrate, or Justice of Peace. And every person and persons that shall be Aiders, Abetters, or helpers in the Forging of any Deed, or other Writing as aforesaid; and be thereof duly Convicted, shall suffer the same punishment, and render the like damages as is awarded to the principal, or principals.

Forreigners.

WHEREAS the French *and* Dutch *do ordinarily Trade Guns, Powder and Shot with the Natives, to our great prejudice, and to the ſtrengthening and animating of them againſt us, as by dayly experience we find; and whereas the aforeſaid* French *and* Dutch *do prohibit us all Trade with the Indians within their reſpective Juriſdictions, under penalty of Confiſcation.*

It is therefore Enacted and Declared by the Governour, Council and Repreſentatives, in General Court Aſſembled, and be it Enacted and Ordained by the Authority of the ſame, That from and after the publication hereof, it ſhall not be lawful for any *Frenchman*, *Dutchman*, or perſon of any other forreign Nation, or *Engliſh* living among them, or under the Government of them, or any of them, to Trade with any Indian or Indians within the limits of this Colony, either directly or indirectly, by themſelves or others, under penalty of Confiſcation of all ſuch Goods and Veſſels as ſhall be found ſo Trading, or Traded, or the due value thereof, upon juſt proof made of any Goods or any Veſſel ſo Trading or Traded: and it ſhall be lawful for any perſon or perſons Inhabiting within this Colony, to make Seizure of any ſuch Goods or Veſſels Trading with the Indians, as by this Law is prohibited, the one half thereof ſhall be to the proper uſe and benefit of the party ſeizing, and the other half to the publick Treaſury of this Colony.

No Forreigners to trade with our Indians.

Penalty Confiſcation.

Any perſon may Seize ſuch.

Forceable Entrys.

IT is Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every of the Aſſiſtants within this Colony, and every Juſtice of the Peace in the County whereto he belongs, ſhall have full power, and are hereby Authorized and Impowred to make Enquiry of forceable Entrys, and detainer and cauſe the ſame to be removed; and therein to proceed according to the rules and methods in ſuch caſe provided, by the Laws of *England*.

Fraud, Fraudulent Conveyance.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and by the Authority of the ſame, That all fraudulent and deceitful Conveyances of Lands, Tenements, Hereditaments, Goods or Chattels, and all ſuch Bonds, Suits, Judgments and Executions made to avoid any Debt, or Duty of others, ſhall (as againſt the party only, whoſe Debt or Duty is ſo endeavoured to be avoided, their Heirs, Executors or Aſſigns) be utterly void, any pretence or feigned conſideration notwithſtanding. And every of the parties to ſuch a fraudulent Conveyance, Bond, Suit, Judgment or Execution, who being privy thereunto, ſhall wittingly juſtify the ſame to be done *Bona fide*, and upon good conſideration, or ſhall alien and aſſign any Lands, Leaſe or Goods, ſo to them conveyed as aforeſaid; ſhall forfeit one years value of the Lands, Leaſe, Rents, Common, or other profit out of the ſame; and the whole value of the Goods, and alſo ſo much money as ſhall be contained in ſuch covinous Bond: and being thereof Convicted, ſhall ſuffer half a years Impriſonment without Bayl: which a-

Fraudulent Conveyances &c. void.

Penalty.

Proviſo.

bove ſaid Forfeitures ſhall be divided betwixt the party grieved, and the County Treaſury. Except the purchaſer make it appear by two ſufficient Witneſſes, that the Contract or Bargain was made *Bona fide*, and on good conſideration, before any Seizure made by the Creditor, or Officer, of the Eſtate ſo conveyed, and that it was without any deſign of fraud, to defeat the Creditor of his juſt dues.

Freemen.

Freemens Certificate.

Qualification.

Acceptation.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That for the future, ſuch as ſhall deſire to be admitted Freemen of this Corporation, ſhall bring a Certificate from the Select men of that Town where ſuch perſon Inhabits, or the major part of them, that they are perſons of a quiet and peaceable behaviour, and civil Converſation; and that they have accompliſhed the Age of Twenty One Years, and have the poſſeſſion of Freehold Eſtate, to the value of *Forty Shillings per Annum*, or *Forty Pounds* Perſonal Eſtate; which Certificate being preſented to any Aſſiſtant, or Juſtice of the Peace, ſuch perſons ſhall be allowed, and admitted Freemen of this Corporation: and the ſaid Aſſiſtant, or Juſtice of the Peace is hereby Impowred to Adminiſter the Freemans Oath to the perſon or perſons admitted, and return the name or names of ſuch perſon or perſons to the Secretary of the Colony, at or before the next General Seſſions, there to be Enrolled.

Scandalous Freemen to be diſfranchized.

And it is further Enacted by the Authority aforeſaid, That if any Freeman ſhall walk ſcandalouſly, or commit any ſcandalous offence, it ſhall be in the power of the Court of Aſſiſtants, to Diſfranchiſe ſuch Freeman, who ſhall ſtand diſfranchiſed, till by his good Behaviour, the Court of Aſſiſtants ſhall ſee cauſe to reſtore him to his freedom again.

Penalty for perſons that are not free to Vote, & for Freemen to put in more then one Vote.

And if any perſon that is not a Freeman of this Colony, admitted and Sworn according to Law, ſhall preſume to Vote in the Election of any of the Members of the General Aſſembly, or if any perſon that is a Freeman, ſhall put in above one Vote for one perſon at the ſame Election, he ſhall pay a fine of *Five Pounds* to the publick Treaſury of this Colony.

Penalty for Select-mens making falſe Certificate.

And further it is Enacted by the Authority aforeſaid, That when any Select-man ſhall give Certificate concerning any perſon or perſons, who are deſirous to be made Freemen; and ſhall certifie that they are of peaceable and civil Converſation, and qualified according to Law; if it ſhall after appear, that ſuch perſons are not qualified, as is certified by the Select-men, every Select man that ſhall ſign ſuch Certificate, ſhall pay a fine of *Five Pounds* to the publick Treaſury of this Colony.

Forms of Writs and Proceſſes.

IT is Enacted and Ordained by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That the ſeveral Forms of Writs and Proceſſes in civil Cauſes here under written, be, and hereby are Eſtabliſhed to be the Forms, which the reſpective Officers that are, or ſhall be appointed to Grant the ſame, ſhall obſerve and uſe. *That is to ſay,*

TO the Sheriff or Marſhal of the County of *H.* or either of their Deputies or Conſtables of the Town of *F.* within the ſaid County, or to any or either of them. *Greeting.* In

In His Majesties Name you are Required to Summon and give notice unto *A. B.* of *F.* aforesaid (if he may be found in your Precincts) that he appear before me *J. H.* Esqr. one of His Majesties Justices of the Peace, for the County aforesaid, at my Dwelling House in *H.* on the day of at of the Clock in the noon, then and there to answer to *C. D.* of *W* in an Action or plea of which is to the damage of the said *C. D.* the Sum of *Shillings* as shall then and there appear with other due damages. You are also hereby further required to signifie unto the said *A. B.* That he may not fail in the premises, as he will answer the Contempt at the peril of the Law in this Case made and provided; and of this Writ with your doings therein, you are to make true return unto my self at or before the said day of Dated at *H.* the day of *Annoque Domini.*

J. H.

Summons for appearance before an Assistant or Justice of Peace.

TO the Sheriff or Marshal of the County of *H.* or either of their Deputies or Constables of the Town of *F.* within the said County, or to any or either of them. *Greeting.*

Whereas *A. B.* of *F.* was Served with Summons granted by me *J. H.* Esqr. one of His Majesties Justices of the Peace for the County aforesaid, for his appearance before me on the day of to answer *C. D.* of *W.* in an action or plea of And whereas the said *A. B.* hath made default in his said appearance. These are therefore in His Majesties Name to will and require you to take the Body of him the said *A. B.* (if he may be found in your Precincts) and him safely keep, so that he may be had before me the said *J. H.* at my Dwelling House in *H.* on the day of at of the Clock in the noon; as well to answer the said *C. D.* of his plea aforesaid, as for his said Contempt, and make true return of this Writ, with your doings therein, unto my self, at or before the said day of Dated at *H.* the day of In the Year of His Majesties Reign. *Annoque Domini.*

J. H.

Warrant for Contempt.

TO the Sheriff or Marshal of the County of *H.* or either of their Deputies or Constables of the Town of *F.* within the said County, or to any or either of them. *Greeting.*

In His Majesties Name you are hereby required to Attach the Goods or Estate of *A. B.* of *F.* to the value of *Shillings*, and for want thereof to take the Body of the said *A. B.* (if he may be found in your Precincts) and him safely keep, so that he may be had before me *J. H* Esqr. one of His Majesties Justices of the Peace for the County aforesaid, at my Dwelling House in *H.* on the day of at of the Clock in the noon; then and there to answer to *C. D.* of *W.* in an Action or plea of which is to the damage of the said *C. D.* the Sum of *Shillings*, as shall then and there appear with other due damages. The said *C. D.* having given sufficient Bond to prosecute his Action to effect, and answer all Damages in case he make not his plea good. Hereof fail not, and make due return of this Writ, with your doings therein, unto my self at or before the said day of Dated at *H.* the day of In the Year of His Majesties Reign. *Annoque Domini.*

J. H.

Attachment before an Assistant or Justice of Peace

TO the Sheriff or Marshal of the County of *H.* or either of their Deputies or Constables of the Town of *F.* within the said County, or to any or either of them. *Greeting.*

Whereas *C. D.* of *W.* on the day of before me *J. H.* Esqr. one of His Majesties Justices of the Peace, for the County aforesaid, recovered

Execution granted by an Assistant or Justice of Peace

recovered Judgment againſt *A. B.* of *F.* for the Sum of *Shillings* Debt or damage, and *Shillings* and *Pence* for Charges of Suit as appears of Record; whereof Execution remains to be done, Theſe are therefore in His Majeſties Name to require and command you, that of the Money of the ſaid *A. B.* or of his Goods or Chattels within your Precinct, you cauſe to be Levyed, and (the ſame being diſpoſed of as the Law directs) paid and ſatisfied unto the ſaid *C. D.* the aforeſaid Sums being *Pounds* *Shillings* and *Pence* in the whole, and alſo that out of the ſaid Moneys, Goods or Chattels, you Levy *Two Shillings* more for this Writ, together with your own Fees, and for want of ſuch Money, Goods or Chattels of the ſaid *A. B's.* to be by him ſhewn unto you, or found within your Precinct, for ſatisfying the aforeſaid Sums, you are hereby required, to take the Body of the ſaid *A. B.* and him Commit unto the Keeper of the Goal, in *H.* in the County aforeſaid, within the ſaid Priſon, who is likewiſe hereby Commanded to receive the ſaid *A. B.* and him ſafely keep, until he pay unto the ſaid *C. D.* the full Sums abovementioned, and be by him releaſed, and alſo ſatisfie your Fees: Hereof fail not, and make due return of this Writ, with your doings therein, unto me the ſaid *J. H.* Eſqr. within ſixty days next coming. Dated at *H.* the day of In the Year of His Majeſties Reign. *Annoque Domini.* *J. H.*

TO the Sheriff or Marſhal of the County of *H.* or either of their Deputies or Conſtables of the Town of *F.* within the ſaid County, or to any or either of them. *Greeting.*

Attachment to the County Court or Court of Aſſiſtants reſpectively.

In His Majeſties Name you are hereby Required to Attach the Goods or Eſtate of *A. B.* of *F.* to the value of *Pounds*, and for want thereof to take the Body of the ſaid *A. B.* (if he may be found in your Precincts) and him ſafely keep, ſo that you may have him before the Court of to be holden at *H.* within the County aforeſaid, on the *Tueſday* of next enſuing the Date hereof, then and there to anſwer unto *C. D.* of *W.* in an action or plea of which is to the Damage of the ſaid *C. D.* the Sum of *Pounds*, as ſhall then and there appear with other due damages, the ſaid *C. D.* having given ſufficient Bond to proſecute his Action to effect, and anſwer all Damages in caſe he make not his plea good; hereof fail not, and have you there this Writ, with your doings therein. Dated at *H.* the day of In the Year of His Majeſties Reign. *Annoque Domini.*

J. W. Clerk.

TO the Sheriff or Marſhal of the County of *H.* or either of their Deputies or Conſtables of the Town of *F.* within the ſaid County, or to any or either of them. *Greeting.*

Execution out of the County Court, or Court of Aſſiſtants reſpectively.

Whereas *C. D.* of *W.* recovered Judgment againſt *A. B.* of *F.* before the Court of Holden at within the County aforeſaid on the *Tueſday* of for the Sum of *Pounds* Debt or Damages, and *Pounds* *Shillings* and *Pence* Coſts of Suit, as appears of Record, whereof Execution remains to be done. Theſe are therefore in His Majeſties Name to require and command you, that of the Goods, Chattels or Lands of the ſaid *A. B.* within your Precinct, you cauſe to be Levyed, (and the ſame being diſpoſed of or apprized as the Law directs) paid and ſatisfied unto the ſaid *C. D.* the aforeſaid Sums being *Pounds* *Shillings* and *Pence* in the whole, with *Two Shillings* more for this Writ, and therof alſo to ſatisfie your ſelf for your own Fees, and for want of ſuch Goods, Chattels or Lands of the ſaid *A. B's* to be by him ſhewn unto you, or found within your Precinct, to the acceptance

of the said *C. D.* for satisfying the aforesaid Sums, you are hereby required to take the Body of the said *A. B.* and him Commit unto the Keeper of the Goal in *H.* in the County aforesaid, within the said Prison, who is likewise hereby Commanded to receive the said *A. B.* and him safely to keep, until he pay unto the said *C. D.* the full Sums above-mentioned, and be by him released, and also satisfie your Fees; hereof fail not, and make due return of this Writ with your doings therein unto the said Court of to be holden at upon the *Tuesday* of next. Dated at *H.* the day of In the Year of His Majesties Reign. *Annoque Domini* *E. K.* Clerk.

To A. B. *of* H. *Greeting.*

YOU are hereby Required in His Majesties Name, to make your appearance before the Court to be Holden at *F.* upon the *Tuesday* of to give Evidence of what you know relating to a plea or action of then and there to be heard and tryed betwixt *E. F.* of *N.* Plantiff, and *G. H.* of *M.* Defendant: Hereof fail not as you will answer your default, under the pains and penalty of the Law in that behalf made and provided. Dated in *H.* the day of In the Year of His Majesties Reign. *Annoque Domini.* *W. W.* Clerk.

Summons for Witnesses to give Evidence.

TO the Sheriff or Marshal of the County of *F.* or either of their Deputies or Constables of the Town of *S.* within the said County, or to any or either of them.— *Greeting.*

In His Majesties Name you are hereby required, to replevin belonging unto *J. C.* of *S.* now distreined or impounded by *S. H.* of *N.* and deliver the said unto the said *J. C.* he having given Bond to the value of with sufficient Surety or Sureties, to prosecute his Replevin, at the next Court to be Holden at *F.* on the *Tuesday* of and so from Court to Court until the Cause be ended, and to pay such Costs and Damages, as the said *S. H.* shall recover against him: Hereof fail not, and make true return of this Writ, with your doings therein, unto the said Court. Dated in *S.* the day of In the Year of His Majesties Reign. *Annoque Domini.* *W. W.* Clerk.

Replevin.

The like Form of a Replevin to be observed for matters Cognizable, before an Assistant or Justice of the Peace, Mutatis Mutandis.

WE *C. S.* and *E. C.* of *H.* acknowledge our selves bound to the Treasurer of the County of *H.* in a Recognizance of that. *T. R.* of *W.* shall prosecute the Attachment or Replevin, he hath now taken out against *J. L.* of *F.* at the Court to be Holden at *H.* on the *Tuesday* of next to full effect, and answer all Damages in case he make not his plea good. Dated in *H.* the day of *Annoque Domini.*

Acknowledged before me. *W. W.* Clerk.

Bond for Prosecution.

To the Constables of the Town of G. *in the County of* H. *Greeting.*

IN His Majesties Name you are hereby Required, forthwith to Levy and Collect of the persons Named in the List, herewith Committed unto you, each one his several proportion, (as therein set down) of the Sum

A Warrant for Collecting of Town Rates.

Sum Total of such List, being a Tax or Assessment, granted and agreed upon by the Inhabitants of the said Town of *G.* regularly assembled, for defraying of the necessary Charges arising within the same, and to deliver and pay in the Sum and Sums which you shall so Levy, and Collect, unto the Select men of the said Town, or to *C. D* (being by them appointed to receive the same) at on or before the day of and if any person or persons, shall neglect or refuse to make payment of the Sum or Sums whereat he or they are respectively assessed, and set in the said List, to Distrein the Goods or Chattels of such person or persons, and the same dispose as the Law directs, returning the Overplus, (if any be) unto the Owner or Owners. And for want of Goods or Chattels whereon to make Distress, you are to Seiz the Body or Bodies of the person or persons so refusing, and him or them Commit unto the Common Goal of the said County, there to remain, until he or they pay and satisfie the several Sum or Sums assessed upon him or them, as aforesaid; unless the same, or any part thereof, upon application made unto the County Court, shall be abated. Dated at *G.* the day of In the Year of His Majesties Reign. *Annoque Domini.*

Gaming.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no Taverner, Inn-keeper, Ale-house Keeper, or Victualler, shall have or keep in or about their Houses, Out-houses, Yards, Back sides, Gardens, or places to them belonging; any Dice, Cards, Tables, Bowles, Shuffle board, Billiards, Coytes, Keiles, Loggets, or any other Implements, used in Gaming. Nor shall suffer any person or persons Reforting unto any of their Houses, to use or exercise any of the said Games, or any other unlawful Game or Sport within their said Houses, or any of the Dependencies as aforesaid, or places to them belonging; on pain of forfeiting the Sum of *Forty Shillings* for every such offence, upon due conviction thereof, the said fine to be disposed of one half to the Informer, the other half to the poor of the Town where such Offence is committed; And every person Convicted of Playing as aforesaid, in any such House, or Dependencies thereof, shall forfeit the Sum of *Six Shillings* and *Eight pence*, to be disposed of as aforesaid.

Games & Gaming forbidden in Publick Houses.

Penalty 40 *s.*

Penalty on Gamesters.

And it is further Enacted by the Authority aforesaid, That if any person or persons in this Colony, of what Rank or Quality soever, shall after the publication hereof, play at Cards, Dice or Tables: Every person and persons playing, or that shall play more or less at any of the said Games, shall for every offence pay *Twenty Shillings* to the publick Treasury of this Colony; and the Head of that Family where any such Game is used with his privity or consent, shall pay in like manner *Twenty Shillings* for each time any such Gaming is used in his House; one third part of the fine shall be to the party or parties that discovers the Offence, the remainder to the poor of the Town, where such offence is committed.

penalty for playing in privats Houses,

penalty 20 *s.* for Masters of Families.

Gates, Barrs and Fences.

WHEREAS it is found by experience, that some persons are injurious to their Neighbours by throwing down the Fences and Bars, and leaving open

open the Gates of Corn Fields and Meadows, whereby much Damage doth accrue to the Proprietors of such Fields or Meadows. For the prevention whereof.

It is Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That whosoever shall throw down, or leave open any Gate, Bars or Fences of any Corn Field or Meadow, he shall pay as a Fine for every such default, *Ten Shillings*; one moiety thereof to the person complaining and proving the same, the rest to the Proprietors of the Field, and answer all damages that shall come thereby, any one Assistant or Justice of the Peace, to hear and determine any such Case

Penalty on persons leaving open Gates &c.

Governour.

Be it Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That the Governour, or Deputy Governour of this Colony for the time being, or any three Assistants concurring, shall have power to Repreive a Condemned Malefactor, to the next General Court.

Who may Repreive a condemned Malefactor.

And it is further Enacted by the Authority aforesaid, That the Governour, or in his absence the Deputy Governour shall have a Casting Voice, whensoever an Equl Vote shall fall out in the General Court or Court of Assistants, and also the Judge, Præsident or Moderator in Civil Courts or Assemblies in this Colony.

Governour to have a casting voice.

Grand Jury.

Be it Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That the Clerks of the several County Courts, shall annually by their Warrant require one or more honest, able and judicious men, of every Town in their Respective Countys, either to appear at their respective County Courts, or else to appear before the next Assistant or Justice of the Peace, to Serve on the Grand Jury, and to take the Oath for the faithful discharge of that work, who shall make diligent enquiry after, and presentment of all such Misdemeanours and breaches of Law as shall come to their Cognizance, and make presentment of all breaches of Law, whereof they have Cognizance once a month, to the next Assistant, or Justice of Peace, which Assistant or Justice is hereby Impowred to hear and determine all Delinquencies, wherein the penalty doth not exceed *Forty Shillings*, and where the penalty doth exceed *Forty Shillings*, the said Authority shall bind such Delinquents over to answer for their delinquency, at the next Court where the Case is Cognizable; and to take sufficient Bond, with Sureties of such Delinquents, for their appearance at the said Court; and for want of such Bond or Sureties, such Delinquents shall be Committed to Prison, there to continue till delivered by Law.

Grand Jury men to be Summoned and Sworn.

Their work.

Authority to receive presentments.

And if any man, so as aforesaid required and summoned to Serve on the Grand Jury, shall neglect or refuse to appear, or to take such Oath, (unless he shall give sufficient reason for his refusing) he shall forfeit *Twenty Shillings* to the County Treasury, and if after any such Grand Jury-man is Sworn, he shall neglect to make presentment of any breach of Law, whereof he hath Cognizance once a month; he shall pay a fine of *Ten Shillings* to the County Treasury, and every Grand Juror Summoned and Sworn, shall serve full Twelve Months.

Penalty for Grand Jury-men non appearing or neglecting their duty.

Guards at Meeting.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That there shall be a Guard appointed in every Town and Plantation in this Colony, to attend on the Sabbath, and other days of Publick Worship, compleat in their Arms, with Powder and Bullets, at least five Charges for each man, and in every Town where there are One Hundred Souldiers, there shall be Twenty to Serve on the Guard; and in no Town shall there be less then Eight Souldiers and a Sergeant; and the Souldiers that are of the Guard, shall have half a pound of Powder a piece, allowed them by the Town annually.

Guards to attend times of Publick Worship.

Their number.

And it is further Enacted by the Authority aforesaid, That the chief Military Officers in every Town, shall call forth so many of their Train Band, as by Order are required to Serve on the Guard, to attend that Service. *Provided*, that no person shall be compelled to attend that Service two years together, and the Sergeants of the Guard are to take care that their respective Companies attend the Guard, with their Arms well fixed, and with Powder and Bullets according to Law.

Military Officers to appoint them.

Sergeants to see they are fixed.

And further it is Enacted by the Authority aforesaid, That if any Souldier of the Guard, shall neglect his duty in attending according to Order with his Arms and Ammunition, he shall forfeit for every days neglect, being convicted thereof, *Two Shillings* and *Six pence*. And if the Sergeant of the Guard neglect his Duty in seeing that every Souldier of the Guard attend as aforesaid; or in making complaint to Authority of those of his Souldiers that neglect their Duty, he shall forfeit for every days neglect, being thereof convicted, the Sum of *Five Shillings*, all which forfeitures shall be returned to the Select men, for the Towns use.

Penalty for Souldiers not doing Duty.

Penalty on Sergeants neglecting their Duty.

An Act for Regulatiug Goals & Goalers.

IT is Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted by the Authority of the same, That there shall be a Common Goal in every Head Town of the several Counties in this Colony, to be always kept in good Reparation, and the whole Charge of Building (in such County where there is not a sufficient Goal) and furnishing and keeping the Goals in Repair, shall be defrayed by the County to which the same belongs; and that the Assistants and the Justices of the Peace in the several Counties, shall have full power, and they are hereby Impowred to Tax the Inhabitants of their respective Counties, for Building, Repairing, and furnishing the same as need shall require; and to appoint Keepers of the County Goales.

One Goal to be kept in each County.

To be built and kept in Repair by the respective County.

And it is further Enacted by the Authority aforesaid. That all and every person and persons whatsoever that shall be Committed to the Common Goal within any County in the Colony, by any Assistant or Justice of the Peace for any offence or misdemeanour, the said person or persons so to be Committed, having means and ability thereunto, shall bear their own reasonable Charge for conveying or sending them to the said Goal, and also the Charge of such as by appointment shall Guard them thither; and if any such person or persons so to be Committed as aforesaid, shall refuse at the time of their Commitment, and sending to the said Goal,

Delinquents imprisoned to bear their own Charges.

Goal to defray the ſaid Charges, or ſhall not then pay or bear the ſame, upon a Warrant from an Aſſiſtant or Juſtice of the Peace, the Conſtable of the Town (being within the ſame County) where he or they have any Goods, may Sell ſo much thereof, as in the diſcretion of the ſaid Aſſiſtant, or Juſtice of the Peace, ſhall be thought ſufficient to defray the ſaid Charges, the apprizement thereof to be made by four of the honeſt Inhabitants of the Town, where ſuch Goods ſhall remain, and be, the over-plus to be returned to the Offender.

Priſoners to be permitted to ſend for their Victuals & other neceſſaries.

And be it further Enacted by the Authority aforeſaid, That all Priſoners ſhall be permitted to ſend for their neceſſary food whence they pleaſe, and to uſe ſuch Bedding, Linnen and other things as they think fit, without purloining, detaining or paying for the ſame; neither ſhall any Keeper of a Common Goal, demand of them greater Fees for their Commitment, Diſcharge or Chamber Room, than what is allowable by Law; and if any Keeper of a Common Goal ſhall do, or cauſe to be done to any Priſoner committed to his cuſtody any wrong or injury, contrary to the intent of this Act, he ſhall pay treble damages to the party grieved, and alſo pay ſuch fine, as the County Court of that County where the Offence is committed, upon information or complaint to them made, ſhall conſidering all circumſtances impoſe upon them.

Puniſhment of Goalers that extort Fees not allowed by Law

Priſoners committed for debt how to be provided for.

And further it is Enacted by the Authority aforeſaid, That when any perſon or perſons are Committed to Priſon in any civil action, the Keeper of the Priſon ſhall not ſtand charged with his or their ſupply of Victuals and other neceſſaries; and in caſe the Priſoner hath no Eſtate, and will be depoſed before any Aſſiſtant or Juſtice of the Peace that he is not worth *Five Pounds*, the Plantiff ſhall provide for his Relief, or otherwiſe the Keeper ſhall not ſtand charged with him. And all ſuch Charges the Plantiff ſhall have power to Levy with the Execution, before the Party be delivered from Priſon.

Priſoners not to be committed without a Mittimus.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, ſhall be Committed to Priſon, although Arreſted or Seized by Attachment, Execution or any other Writ, or for Non payment of Rates, Debts or Fines, or for any Miſdemeanour, or Capital or Criminal Offence, or any other cauſe, without a Mittimus granted and ſigned by Civil Authority, declaring the cauſe and ground of his Commitment, and Requiring the Goaler, or Maſter of the Priſon, to receive and keep ſuch perſon or perſons in the Priſon, until diſcharged according to Law.

Priſoners committed for debt not to be ſuffered to go at liberty &c.

And be it further Enacted by the Authority aforeſaid, and it is hereby Enacted, That no Perſon Committed to Priſon for Non-payment of Fines, or upon Attachment or Execution in Civil Cauſes, ſhall be permitted by the Keeper of the Priſon, to go at liberty without the precincts of the Priſon, but by the Licence of the Court that committed him, or of his Creditor, for whoſe cauſe he is Arreſted and Impriſoned, upon Penalty of paying the fine Impoſed upon ſuch Delinquent, or ſatisfying the Debt due to the ſaid Creditor.

Penalty.

Priſoners for debt & felons not to be lodged together in one room.

And it is further Enacted by the Authority aforeſaid, That Priſoners for Debt and Felons, ſhall not be lodged together in any Priſon in one Room, and if any Goaler, or Keeper of Priſon ſhall offend herein, he ſhall pay treble Damages to the Party grieved, to be recovered by Action, by virtue of this Act.

Hereticks.

TO Prevent the danger persons are in of being Poysoned in their Judgments and Principles by Hereticks, whether Quakers, Ranters, Adamites, or such like, &c.

Be it Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted and Ordained by the Authority of the same, That no Persons in this Colony shall give any unnecessary Entertainment unto any Quaker, Ranter, Adamite, or other notorious Heretick, upon penalty of *Five Pounds* for every such persons Entertainment, to be paid by him that so Entertains them: and *Five Pounds per* Week shall be paid by each Town, that shall suffer their Entertainment as aforesaid.

Notorious Hereticks not to be unnecessarily entertained.

Penalty.

And it is further Enacted by the Authority aforesaid, That it shall be in the power of the Governour, Deputy Governour or Assistants, to order that all such Hereticks as aforesaid, be Committed to Prison, or sent out of this Colony; and no person shall unnecessarily fall into discourse with any such Hereticks, upon the penalty of *Twenty Shillings*.

To be committed or sent out of the Colony.

And further it is Enacted by the Authority aforesaid, That no person within this Colony shall keep any Quakers Books or Manuscripts containing their Errors, (except the Governour, Magistrates and Elders) upon penalty of *Ten Shillings per* time, for every person that shall keep any such Books, after Publication hereof, and shall not deliver such Book to some Magistrate or Minister.

Quakers books not to be kept by any but Magistrates and Elders.

Penalty.

And it is also Enacted by the Authority aforesaid, That all such Books when and wheresoever they are found, except before excepted, shall by the Constable be Seized and delivered to some Assistant or Justice of the Peace, to be kept by him, until the next County Court in that County, and then the said County Court shall take care, and full order, that all such Books as aforesaid, be utterly suppresst.

Such books to be Seized and suppressed.

And it is further Enacted by the Authority aforesaid, That no Master of any Vessel, shall Land such Hereticks in this Colony, which if they do, they shall be compellable, to transport them again out of this Colony, by any one Assistant or Justice of the Peace, at their first Setting Sail from the Port where they Landed them, upon penalty of *Twenty Pounds*, to be paid by the said Master, as shall Transport them as aforesaid

Masters of Vessels that bring Hereticks into the Colony to be compelled to transport them upon penalty.

Hides and Tallow not to be Transported.

BE it Enacted and Declared by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That from and after the Publication hereof, if any person in this Colony shall endeavour to transport or send away any raw or unwrought Hide or Hides, Skins or Tallow out of this Colony, by Shipping them on Board any Vessel for that end, he shall forfeit the said Hide or Hides, Skins and Tallow so Shipped, or the value thereof; one third part thereof shall be to him that discovers the transgression, and complains thereof, the rest to the publick Treasury of this Colony.

No Hides or Tallow to be sent out of the Colony.

And it is further Enacted by the Authority aforesaid, That no Master of any Ship or other Vessel, shall receive any such Hide or Hides, Skins or Tallow as aforesaid, aboard his Ship or Vessel to be transported, upon the like penalty. *Provided* that any Person, Stranger or other may transport any Hide or Skins brought from Beyond Seas by way of Merchandize, or the Skins of Beaver, Moose or Otter.

Masters of Vessels not to receive them upon penalty.

Proviso.

High-ways.

FOR the better amending and keeping in Repair, and clear the High-ways and common Roads leading from Town to Town, and place to place, and for laying out new High ways, and turning old High ways, where it shall be needful.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted by the Authority of the same, That each Town within this Colony, shall every year choose two, or more (if need be) of their Inhabitants, to be Surveyers, to take care and oversee the mending and repairing all the High-ways within their Towns respectively, which Surveyers shall be Sworn to a faithful discharge of their Office, who have hereby power allowed them to call out the several persons, from sixteen years of Age, to sixty years of Age, and Teams fit for labour within their Township (Magistrates, Justices, Ministers, Ruling Elders, allowed Physitians, School-Masters, constant Herds-men, and Shepherds, and one Miller to each Gristmill excepted) two days at least in each year if there shall be need, and so many more, as in his or their judgment shall be found necessary for the attaining the afore mentioned end, to be directed in their work by the said Surveyers: and where they shall see meet to imploy a Team, the Owner of such Team shall be allowed for his Team, the work of one person; and all persons shall have three days warning before hand of such Imployment; and if any person so warned, shall refuse or neglect to attend the Service in manner aforesaid, he shall forfeit for every days neglect, *Three Shillings* for a person, and *Six Shillings* for a man and Team; which fines shall be improved by the Surveyers, to Hire others to work in said Wayes: And every Surveyer shall within four days after the several days appointed for work, deliver in to some Assistant or Justice of the Peace, a true presentment of all such persons as have been defective with their several defects or neglects; and if the person defective, either in whole, or in part of the work, shall not within one week satisfie the Surveyer, or give satisfying reasons to the next Assistant or Justice of the Peace of his not working, such Assistant or Justice, shall grant a distress, directed to the Sheriff, or Constable, for the Levying of the incurred forfeitures, to be delivered to the Surveyers, for the use aforesaid. And if the Surveyers neglect the trust committed to them, either in not calling out the Inhabitants to labour as is before directed, or shall not return the names of those that are deficient, he shall incur the same penalty, as those he passeth by are liable to, by virtue of this Order; which shall be imployed for the use aforesaid, and to be Levyed by distress, upon information and proof before any one Assistant, or Justice of the Peace.

Surveyers to be annually chosen

Their power to call forth men to labour.

Persons exempted from labour in high-wayes.

3 days warning to be given.

Penalty for neglect of labourers.

Defects to be presented by the Surveyer within 4 days.

Penalty to be levied by distress.

Surveyers neglect the penalty.

And it is further Enacted by the Authority aforesaid, That where a new High way, or common Road from Town to Town, or place to place, shall be wanting, and where old High-ways with more conveniency may be turned or altered, upon application made to the County Court within

County Court to give order for new High-wayes or altering of old.

within the ſame County; the ſaid Court may appoint a Committee of two or three ſufficient Freeholders of the next Towns, who have moſt occaſion of the ſaid Way, to enquire into the neceſſity and conveniency thereof, and to make their report thereon, and being judged to be of common neceſſity or conveniency; the ſaid County Court ſhall order a Warrant to their County Sheriff, or his Deputy, to Summon a Jury out of the next Towns, to meet at ſome convenient day and place therein mentioned, to view and lay out ſuch High-wayes or Roads; who ſhall have an Oath adminiſtred unto them, by ſome Aſſiſtant or Juſtice of the Peace, to lay out ſuch way according to the beſt of their skill and judgment, with moſt conveniency to the Publick, and leaſt prejudice or damage to any particular perſon, which having done, the Sheriff or his Deputy is to make Return thereof, at the next County Court in that County where the ſame way is; as well under his own hand, as under the hand of the Jurors, by whoſe Oath the ſame is laid out, to the end the ſame may be allowed and recorded, and after known for a Publick High-way.

Damage in Proprieties to be made good.

Provided, That if any perſon be thereby damniſyed in his Propriety, or Improved grounds, the Town ſhall make him reaſonable ſatisfaction, by the Eſtimation of thoſe that laid out the ſame; and if ſuch perſons ſo damaged, find himſelf agrieved by any act or thing done by the Jury, either in laying out of the ſaid way, or eſtimate of his Damages, he may apply unto the ſaid County Court for relief, before any allowance, or determination be made by them; who are hereby impowred to hear and determine the ſame; but if no ſufficient cauſe appear for complaint, he ſhall pay all charges ariſing thereby.

Select mens power to lay out private High-ways.

And it is further Enacted by the Authority aforeſaid, That the Select men of each Town reſpectively, be, and are hereby impowred by themſelves, or others whom they ſhall appoint, to lay out, or cauſe to be laid out, particular and private wayes, for ſuch Town only as ſhall be thought neceſſary, ſo as no damage be done to any particular perſon, in his Land, or Propriety, without due recompence to be made by the Town, as the Select men and the parties intereſted, may agree; or as ſhall be ordered by the County Court of that County, in which ſuch Town is, upon inquiry into the ſame by a Jury, to be Summoned for that purpoſe.

Nuſance upon High-ways to be removed.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons, ſhall erect, or ſet up, any Gates, Rayles or Fence, upon, or acroſs any High way, Country Road or Street, or continue any ſuch, to the annoyance and incombrance of the ſame, (other than ſuch as ſhall be allowed by the County Court, within the County,) it ſhall be deemed a Common Nuſance; and it ſhall be lawful for any perſon or perſons to pull down, and remove the ſame.

Home-lotts.

WHEREAS *there hath been a great abuſe in ſeveral Towns and Plantations in this Colony, in buying and purchaſing Home-lotts, and laying of them together, by means whereof great Depopulations may follow*: For the preventing whereof.

Manſion houſes to be upheld.

It is Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is hereby Enacted by the Authority of the ſame, That all Dwelling, or Manſion Houſes that are, or ſhall be allowed in any Town or Plantation in this Colony,

Colony, ſhall be upheld, repaired and maintained ſufficiently in a comely way; as alſo whoſoever ſhall poſſeſs and enjoy any Home-lott within any ſuch Town or Plantation that is not yet built upon, he ſhall within twelve months after the Publication hereof, erect and build an houſe there fit for an Inhabitant to dwell in, if his lott be one acre and half; unleſs the County Court of that County, upon knowledge of the Caſe, find cauſe to abate, or give longer time for building: upon the penalty of *Twenty Shillings per* year, for every breach of this Order, to be paid to the Town Treaſury.

Home-lotts to be built upon

Penalty.

Horſes.

To Prevent Damages that may be done by Horſes in Corn-Fields and Incloſures.

It is Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is hereby Enacted and Ordained by the Authority of the ſame, That whatſoever Horſe or Horſe kind, which ſhall be found in any Common Field, or Incloſure (ſufficiently fenced) damage feaſant and impounded, the Owner or Owners of ſuch Horſe, or Horſe-kind ſhall pay *Two Shillings per* Head for every time ſuch Horſe, or Horſe-kind ſhall be impounded, and alſo all juſt Damages.

Horſes damage feazant to pay 2 *s. per* head.

And it is further Enacted by the Authority aforeſaid, That every perſon within this Colony, having any Horſe, or Horſe-kind of two years old, ſhall cauſe the Brander of the Town in which ſuch perſon lives, to brand ſuch Horſe, or Horſe-kind, with the Town Brand; and enter the marks of ſuch Horſe, or Horſe kind, both natural and artificial, in his brand book, or Record of Horſes; on penalty of forfeiting every ſuch Horſe or Horſe-kind, above two years old, that any perſon ſhall neglect to cauſe to be branded and recorded as aforeſaid, one half to the Complainer, and the other half to the Town Treaſury.

Horſes of two year old to be branded or recorded, or elſe forfeited.

And every perſon or perſons that ſhall ſell, give or exchange any Horſe or Horſe kind to any other perſon or perſons whatſoever, ſhall within twenty four hours after ſuch ſale, gift or exchange made, cauſe to be Entred and Recorded by the Brander of the Town, (in which ſuch perſon or perſons live, or are at the time of ſuch ſale, gift or exchange by them made) in his Brand Book, the ſaid ſale, gift or exchange by him or them made, together with the age and colour of ſuch Horſe, and Horſe-kind, and marks both natural and artificial; and the names of the Seller or Buyer, Giver or Exchanger, and the price or conſideration received or paid for the ſame, upon penalty of forfeiting *Forty Shillings* for every neglect thereof, half to the Complainer, and half to the Publick Treaſury of the Colony.

Sales, gifts or exchanges of Horſes to be recorded upon penalty 40 *s.*

And it is further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall bring in, or take up any Horſe, or Horſe-kind of above one year old that is not branded with the brand of the Town where ſuch perſon or perſons live, and recorded as aforeſaid; the perſon or perſons claiming ſuch Horſe, or Horſe kind, (before he or they ſhall have liberty to have ſuch Horſe-kind branded and recorded as aforeſaid) ſhall make their right to appear before two of the Select men of the Town, in which he or they do live; and if the ſaid Select men are ſatisfied, that ſuch Horſe or Horſe kind doth belong to the perſon or perſons claiming,

Horſes above one year old not to be branded without Order of the Select-men.

Where no Owner appears to be marked & sold for the use of the County.

they shall give Certificate to the Brander of their Town, to brand and record the same: But if such person or persons claiming, shall not make his or their right appear, to the satisfaction of the said Select men, then such Horse, or Horse kind, shall be marked for the County, or Sold (by the County Treasurers Order) by the Constable of such Town, for the use of the County Treasury: Only just charges to be allowed out of the price, by the said County Treasurer.

None to brand or mark any Horse above one year old, without liberty Penalty 5 l.

And if any person shall presume to mark or brand any Horse, Mare or Colt, above one year old, without liberty from the Select men as aforesaid, every such person shall forfeit and pay the Sum of *Five Pounds* for every such offence, half to the Complainer, and half to the County Treasury.

Horses Stollen & sold without Entry in the Brand-book may be recovered by the right Owner.

And be it further Enacted by the Authority aforesaid, That if any Horse or Horse kind which is Stollen, shall be at any time Sold, without being Entred in the Branders Book as aforesaid, such Sale shall not in any wise alter or change the right or property of such Horse, or Horse kind; But the right Owner or Owners of such Horse, or Horse kind, his or their Executors or Administrators may seiz and recover the same wheresoever the same shall be found, such Sale notwithstanding.

No person to take up or brand any Horse without just right, upon penalty &c.

And whosoever shall take up any Horse, or Horse kind (having no right or title thereunto) and brand the same contrary to Law, shall forfeit for the first offence, being thereof lawfully convicted, the Sum of *Ten Pounds*, one half to the Owner or Complainer, and the other half to the publick Treasury of this Colony; for the second offence of the same nature, *Twenty Pounds*, to be disposed of as aforesaid: and for the third offence, shall be committed to the Common Goal, there to remain, and be kept to hard labour, for the space of one whole year; and be whipt once a quarter, or else pay a fine of *Thirty Pounds*, such part thereof as the Court shall judge meet, to be to the use of the party injured, the remainder to the Publick Treasury of this Colony.

And for the upholding a good Breed of Horses.

No stone horse less than 13 hands high to be suffered to run upon the Commons.

It is Enacted by the Authority aforesaid, That no Stone Horse of above two year old, shall be suffered to run at liberty on the Commons, in any place in the Colony, (unless he be of a comely proportion, and full thirteen hands high, reckoning four inches standard measure to one hand, without being viewed, and allowed so to go at liberty by the major part of the Select men of the Town, in which the Owner of such Horse liveth; and if any person, shall turn into the Commons, or suffer to go at liberty any Stone Horse, not being viewed and allowed as aforesaid, such Horse or Horses shall be forfeited, one half to the Informer or Complainer, and the other half to the Town Treasury, in which the same shall be found.

No Horses to be transported without being tolled under penalty of forfeiture and 20 l. fine.

And it is further Enacted and Ordained by the Authority aforesaid, That if any person or persons whatsoever, shall either by him or themselves, or some other person or persons, convey or transport any Horse or Horses out of this Colony, or Ship any Horse or Horses on Board any Ship or Vessel, to be transported beyond Sea, the said Horse or Horses so Shipped or conveyed, not being first Entred in the Toll Book according to Law, to him or them that shall so convey or transport; every person so offending, shall forfeit all and every such Horse and Horses so Conveyed or Shipped on Board for Transportation, or their full value, one half to the Informer, the other half to the publick Treasury

ſury of this Colony, and alſo pay a fine of *Twenty Pounds*, to the ſaid Publick Treaſury, for each Horſe ſo conveyed, or Shipped for Tranſportation.

Houſes and Lands to be tendered to the Town before Sold.

IT is Ordered and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no Inhabitant in this Colony, ſhall have power to make Sale of his Accommodations, of Houſe or Lands, to any but the Inhabitants of the Townſhip wherein the ſaid Houſe and Lands is Scituate, without the conſent of the Town, and unleſs he have firſt propounded the Sale thereof, to the Town, where it is Scituate and they refuſe the Sale tendred, or to give ſo much as another Chapman will.

Inhabitants of any Town to have refuſal of Houſes and Lands before Sold.

Husbands and Wives not to live ſeparate.

BE it Enacted and Declared by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is hereby Enacted and Declared, That no man or woman, that hath a Wife or Husband in forreign parts, ſhall abide in this Colony ſo ſeparate, above two years; neither ſhall any that have been three years already ſeparated, abide in this Colony ſo ſeparate, above one year, without liberty from this Court, upon penalty of *Forty Shillings per* month for each tranſgreſſion of this Order; one third part thereof ſhall be to the Informer, the other part to the Publick Treaſury of this Colony.

Husbands and Wives not to live ſeparate above 2 years.

Idleneſs.

IT is Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no perſon, Houſholder or other, ſhall ſpend their time idly, or unprofitably, under pain of ſuch puniſhment as the Court ſhall think meet to inflict; *And for this end it is Ordered*, that the Conſtable of every place, and Grand Jury ſhall uſe ſpecial care and diligence to take knowledge of Offenders in this kind, and preſent them to the next Magiſtrate, or Juſtice of the Peace, who have hereby power granted to them, to hear and determine the Caſe, according to his diſcretion, or tranſfer it to the next Court.

Idle perſons to be preſented.

Impreſſes.

IT is Enacted and Ordained by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That no perſon ſhall be compelled to do any work or Service for the Publick, unleſs it be by warrant from Authority, and he have reaſonable allowance therefor: nor ſhall any mans Cattle or Goods, of what kind ſoever, be Preſſed, or taken for any Publick uſe or ſervice, unleſs it be by virtue of Warrant from Authority, nor without ſuch reaſonable Prizes and hire, as the ordinary Rates of the Country do afford; and if the Cattle or Goods periſh, or ſuffer damage in ſuch Service, the owner ſhall be duely recompenced.

Impreſſes to be by Warrant.

And for reaſonable allowance

Damage to be paid.

Impreſſing

Imprisonment.

IT is Ordered and Enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That no mans person shall be Restrained or Imprisoned, by any Authority whatsoever, before the Law hath Sentenced him thereunto, if he can put in sufficient Security, Bayl or Mainprize, for his appearance and good behaviour in the mean time; unless it be for crimes Capital, and contempt in open Court, or in such cases, where some expres Law doth allow it.

Ideots, and Distracted Persons.

BE it Enacted and Declared by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That when and so often as it shall happen, any person to be naturally wanting of understanding, so as to be uncapable to provide for him, or her self; or by the Providence of God, shall fall into Destraction, and become *Non Compos mentis*, and no Relations appear, that will undertake the care of providing for them; or that stand in so near a degree, as that by Law they may be compelled thereto; in every such case the Select men, or overseers of the poor of the Town, or Peculiar, where such person was born, or is by Law an Inhabitant, be, and hereby are Impowred and required, to take effectual care, and make necessary Provision, for the relief, support, and safety, of such impotent or distracted persons, at the charge of the Town or place, whereto he or she of right belongs; if the party hath not Estate of his, or her own, the incomes whereof, shall be sufficient to defray the same: and the Justices of the Peace, within the same County, at their County Court, may order and dispose the Estate of such impotent, or distracted person, to the best improvement and advantage, towards his or her support; as also the person to any proper work or service, he or she may be capable to be imployed in, at the discretion of the Select men, or overseers of the Poor; and where the Estate of any person consists of Housing or Land, in every such case, the General Court upon application to them made, may License and Authorize the Select men, or overseers of the Town or place, where such person belongs, or such other as the said Court shall think fit, to make Sale of such Housing or Land, the produce thereof upon Sale, to be secured, improved, and imployed, to, and for the use, relief, and safety of such Impotent or distracted person, (as the Court shall direct) as long as such person shall live, or until he, or she be restored, to be of sound mind; and the overplus, (if any be) to, and for the use of the next and right heirs of such party. And the like Power and Authority, is hereby granted, unto the aforesaid Court, with reference to any person or persons, now under distraction, or *Non Compos mentis*, as well for the satisfying the charges already past, as for what may be future, for the support, relief and safety, of any such Person.

Select-men or Overseers to make provision for Ideots and distracted persons.

If the Party have no Estate to be provided for by the Town.

Justices of the Peace within the County to dispose the Estate of impotent persons to the best advantage.

General Court to license the Sale of such persons Houses and Lands.

Indians.

THAT Schoolmasters may be used to Convey the knowledge of GOD, and of Religion unto the Indians, and Natives among us.

Indians to be taught the first knowledge of God.

IT is Ordered by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That one or more of the Teaching Elders of the Churches in this Jurisdiction, with

with the help of an able Interpreter, ſhall be deſired as often as he may in every year, to go amongſt the Neighbouring Indians, and endeavour to make known to them the Counſels of the Lord; thereby to draw and ſtir them up to direct and order all their ways and Converſations according to the Rules of his Word; and the Governour, and Deputy Governour, and other Magiſtrates, are deſired to take care to ſee the thing attended, and with their own preſence, ſo far as may be convenient, to encourage the ſame.

And it is further Enacted by the Authority aforeſaid, That where any Company of Indians do Sit down near any Town, or Engliſh Plantation, they ſhall declare who is their Sachim or Chief, and that the ſaid Sachim or Chief, ſhall pay to the Engliſh ſuch treſpaſſes as ſhall be committed by any Indian or Indians, in the ſaid Plantation adjoyning, either by ſpoiling, or killing of Cattel or Swine, either with Guns, Traps, Dogs or Arrows, or by any other means, although they plead it was done by Strangers, unleſs they can produce the party, and deliver him or his Goods into the Cuſtody of the Engliſh, and that they ſhall pay double damage if it were done wittingly and voluntarily: the like engagement this Court alſo makes to them, in caſe of wrong or injury done to them, by the Engliſh, which ſhall be paid by the party by whom it was done, if it can be made to appear, or elſe by the Town, in whoſe Limits ſuch facts are committed.

Indian Sachims to pay the treſpaſſes of Indians under them.

And to prevent Inconveniencies and troubles that may ariſe by the Indians coming into the Engliſh Towns and Plantations in the night ſeaſon, and ſupplying themſelves with Liquors, and prohibited Goods,

It is further Enacted by the Authority aforeſaid, That all and every Indian and Indians, that ſhall be found paſſing and repaſſing in any Town in this Colony, after the ſhutting in of the Evening, (except he or they ſhall give ſufficient reaſon, that there was neceſſity thereof) ſhall forfeit and pay the Sum of *Twenty Shillings*, whereof *Fifteen Shillings* ſhall be to the County Treaſury, and *Five Shillings* to the Complainer or Complainers; Or be Whipt, not exceeding ſix ſtripes; any one Aſſiſtant, or Juſtice of the Peace, before whom any ſuch Complaint ſhall come, ſhall be, and is hereby Impowred to ſecure every ſuch Indian or Indians, by Committing him or them to Priſon, or ſetting a Watch upon them, till he may hear and iſſue ſuch Complaints.

No Indian or Indians to paſs in Out-Towns after Evening ſhut, penalty 20 *s.* or ſix ſtripes.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whomſoever, ſhall directly or indirectly, Sell, Truck, Barter, Give, or deliver to any Indian, any ſtrong Beer, Ale, Cyder, Perry, Wine, Rhum, Brandy, or other ſtrong Liquors, by what name or names ſoever called or known, on pain of forfeiting the Sum of *Twenty Shillings*, for every pint, and proportionable for any greater or leſſer quantity ſo ſold, trucked, bartered, given or delivered to any Indian, directly or indirectly as aforeſaid, upon conviction thereof before any Aſſiſtant, or Juſtice of the Peace, where the penalty doth not exceed *Forty Shillings*; and if it exceed that Sum, at the County Court to be holden for the ſame County, where the Offence is committed; two third parts of all ſuch forfeitures to be to the County Treaſury, the remaining third part to him or them that ſhall proſecute the ſame, by bill, plaint or information.

Penalty for Selling ſtrong drink to Indians.

Provided this Act ſhall not be Intended or extend to reſtrain any act of charity for relieving any Indian (*bona fide*) in any ſudden exigent of faintneſs or ſickneſs, not to exceed one or two drams; or by the allowance of an Aſſiſtant or Juſtice of the Peace.

Indian or Negro Servants breaking this Law shall be openly whipt.

And it is further Enacted by the Authority aforesaid, That every Indian or Negro Servant or Slave, that shall be convicted of the breach of this Law, shall be openly Whipt, not exceeding ten stripes, unless the Master of such Servant or Slave shall answer the Law, by paying his or her fine.

Penalty for Indians convicted of drunkenness

And every Indian convicted of Drunkenness in the Colony, shall forfeit and pay the Sum of *Ten Shillings*, whereof one half shall be to the Complainer or Complainers, the other half to the County Treasury, where the Offence is committed; or else be openly Whipped, not exceeding ten stripes for one offence, as the Assistant or Justice of the Peace, before whom such conviction is, shall determine.

And for prevention of the breach of the Sabbath, by the Indians within this Colony.

Profanation of the Sabbath by Indians. Penalty 5 *s.*

It is further Enacted by the Authority aforesaid, That if any Indian or Indians shall Labour, or Play on the Sabbath Day, within the Limits of any English Town, every such Indian being thereof duly convicted, shall pay a fine of *Five Shillings*, whereof one half shall be to the Complainer, the rest to the County Treasury; or else Set in the Stocks one hour: any one Assistant or Justice of the Peace, to hear and determine the same.

Powawing forbiden. Penalty 5 *l.*

And be it further Enacted by the Authority aforesaid, That no Indian or Indians shall at any time Powaw, or perform outward Worship to false gods, or to the Devil within this Colony, on pain of forfeiting the Sum of *Five Pounds* to the Publick Treasury of this Colony, for every time any Indian or Indians shall be convicted of performing or doing the same.

No Person to be present at Powawing or Indian plays.

Penalty.

And if any person or persons of the age of Twenty years or upwards, shall at any time be present at any Indian Play or Powawing at any of their General Meetings, every such person shall forfeit the Sum of *Forty Shillings*; and if any person shall joyn in playing with any Indian or Indians, or shall lay any Wager with, or for any Indian about or concerning any such Play or Game, he shall forfeit, and pay a fine of *Ten Pounds*; one Moiety of these fines and forfeitures, to be to the Complainer, or Complainers, and the other Moiety to the Treasury of the County in which such Offence is committed.

And whereas it is too manifest, that the Indians notwithstanding all counsel and advice to the contrary, have committed, and still do proceed to commit Murther, and kill one another within the English Plantations in this Colony, and take no course that such Justice be Executed on such Malefactors, as may take off the Guilt of Blood from the Land: which to prevent,

Indian Murtherers to be put to death.

It is further Enacted by the Authority aforesaid, That if any Indian or Indians within this Colony, shall willfully and violently fall upon any Indian or Indians within this Colony, and upon the English Land, (except it be such as they are at open War with) and Murther him or them, and be thereof legally convicted; every such Indian and Indians, shall suffer the pains of death: And if the Indians shall not do just Execution upon such Murtherer or Murtherers speedily, the next Assistant, or Justice of the Peace, shall forthwith cause him or them to be apprehended, and without Bayl or Mainprize, commit him or them to the Common Goal, there to be secured for a Tryal, at the next Court of Assistants,

To be apprehended and secured for tryal

And to prevent damage that may come to Indians in their Corn-Fields, by Cattel belonging to the Engliſh.

Fence viewers to be appointed for Indian fields, their judgment to be performed.

Be it further Enacted by the Authority aforeſaid, That in each Town in this Colony, where any Indians have Fenced Fields, there ſhall be Fence-viewers and apprizers, by ſuch Town choſen and appointed, who ſhall be Sworn to view ſuch Indian Fence, and to apprize ſuch damage as may, or ſhall be done in the Indian Corn, by any Engliſh Cattel, Horſes or Swine; and the judgment or apprizement of ſuch viewers and apprizers ſhall be duly performed and anſwered by the Owners of ſuch Cattel, Horſes and Swine, to the Indian or Indians damnified; and the Indians having ſuch Fields, are hereby allowed to make Pounds within their ſaid Fields, to impound and ſecure Cattle, Horſes or Swine treſpaſſing upon them; and the ſaid Indian or Indians impounding any Cattel, Horſes or Swine, ſhall forthwith give notice thereof to the Select men of that Town, in which ſuch their Field is, and to the Select men of the two next Towns adjacent, of what Cattel, Horſes or Swine are impounded by them; and if the Owners do not redeem their Cattel, Horſes or Swine ſo impounded, within twenty four hours after notice to them given of the ſame, that then the Select-men of that Town to which ſuch Cattle, Horſes or Swine do belong, ſhall make Sale of them, or ſo many of them, as ſhall anſwer ſuch damages done to ſuch Indian or Indians by ſuch Cattle, Horſes or Swine, as aforeſaid.

Indians allowed to make Pounds and Pound Cattle &c. to give notice to Select men.

If owners appear not Cattle to be Sold.

No man to buy Land of the Indians, without allowance of the General Court, unleſs.

And it is further Enacted by the Authority aforeſaid, That no perſon or perſons in this Colony, whether Inhabitants or other, ſhall buy, hire or receive a gift, or Mortgage any parcel of Land or Lands, of any Indian or Indians for the future, except he or they do buy or receive the ſame for the uſe of the Colony, or for ſome Plantation or Village, or with the allowance of the General Court of this Colony.

Forfeiture for illegal purchaſing Land of Indians.

And if any perſon or perſons ſhall purchaſe or receive Land of any Indian or Indians, contrary to the intent of this Act, the perſon or perſons ſo offending, ſhall forfeit to the Publick Treaſury of this Colony, the treble value of the Land ſo purchaſed or received: And no Intereſt or Eſtate in any Lands in this Colony, ſhall accrue to any ſuch perſon or perſons, by force or virtue of ſuch illegal bargain, purchaſe or receipt.

And upon conſideration of the great Inconvenience that doth enſue, the truſting the Indians with Goods and Commodities, which if not prevented, is like to prove extreamly prejudicial to the Engliſh, and deſtructive to the Indians.

No perſon to have benefit of Law to recover any debts from Indians, except Rents.

Be it further Enacted by the Authority aforeſaid, That no perſon ſhall be allowed or admitted to proſecute before any Aſſiſtant, or Juſtice of the Peace, or Court of Judicature in this Colony, any Action of Debt, or detinue for any Goods ſold, lent or truſted out to any Indian or Indians whomſoever: *Always Provided* this Act ſhall not be underſtood or interpreted to debar any perſon from the benefit of Law, for the recovery of any Rent due to him from any Indian or Indians, for Land by him or them Hired or Improved.

Indictments.

Complaints and preſentments to be exhibited within one year.

It is Enacted and Declared by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no perſon ſhall be Indicted, Proſecuted, Informed against, or Complained of before any Court, Aſſiſtant or Juſtice of the

Peace within this Colony, for the breach of any penal Law, or other Misdemeanour, by reason whereof a forfeiture belongs to the Colony, unless the said Indictment, Presentment, Information or Complaint be made and exhibited within one year after the Offence is committed; and every such Indictment, Presentment, Information and Complaint that is not made and exhibited as aforesaid, within the time limited for the same, shall be void, and of none effect. *Provided* always that this Act shall not extend to any Capital Offence, nor any Crime that may concern loss of member, or banishment, or any treachery against this Colony; nor to any Pilfering and Theft, the value of which is above *Ten Shillings*; nor shall it hinder any person grieved by any wrong done to him, or his Wife, Children, Servants or Estate, real or personal, but that every such person shall have remedy as formerly he might, or ought to have had.

Inhabitants whom to be admitted.

WHEREAS, several persons of an Ungoverned Conversation, thrust themselves into our Townships, and by some under hand way, as either upon pretence of being hired Servants, or of hiring Lands or Houses, become Inhabitants in our Townships, whereby much Inconveniency doth arise to such places, such persons often proving vicious, chargeable and burthensome to the places where they come: which to prevent,

Persons received to be Inhabitants in any Town, to be of honest conversation.

It is Enacted and Ordained by the Governour, Council and Representatives in Generall Court Assembled, and by the Authority of the same, That no person shall be received an Inhabitant into any Town in this Colony, but such as are known to be of an honest Conversation, and accepted by the major part of the Town.

No transient person to reside in any Town without approbation of Select men.

And that no transient person shall be allowed to Reside, and make his or her abode in any Township in this Colony, (Apprentices under age, and Servants bought for time excepted) upon pretence of Hiring, or being Hired, or Tennantship or Inmates, without the approbation of the Authority, and Select-men of such Town.

No person to entertain any transient person without giving good Security, and upon penalty of 20 *s. per.* Week.

And if any person or persons shall contrary to the intent of this Act, entertain or hire any stranger or transient person, or Lett any House or Land to such stranger or transient person, except he or they shall first give good security to the acceptance of the said Authority, and Select men, that such Town or Plantation shall not be burthened and charged by him or them, he shall forfeit and pay to the use of the poor of the Town whereto he or they belong, the Sum of *Twenty Shillings per* Week, for every Week he shall harbour, entertain, or hire any such person.

Vagrant persons to be sent back to the place from whence they came.

And it is further Enacted and Ordained by the Authority aforesaid, That the Civil Authority, when and so often as there shall be occasion in any Town or Plantation in this Colony, shall be, and are hereby Impowred to order any vagrant or suspected person or persons, to be sent back from Constable to Constable, to the place or places from whence he or they came; unless such person or persons can produce good Certificate, that he or they are persons of good behaviour, free from all ingagements, and at liberty to remove themselves as he or they shall see meet: and if such person shall return after they are sent back as aforesaid, and abide and continue in said Town after warning given them to depart, they shall be severely Whipt, not exceeding Ten Stripes.

WHEREAS

WHEREAS it is obſerved, That Young perſons getting from under the Government of Parents and Maſters, before they are able to govern themſelves, hath been an occaſion of many Evils and Inconveniencies: which to prevent for the future,

It is Ordered and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no Maſter of a Family, or other Houſe keeper, ſhall give Entertainment or Habitation to any ſingle perſon, to Sojourn in his Houſe or Family, but by the allowance of the Select men of the Town where he dwells, under the penalty of *Twenty Shillings per* Week, for every Weeks Entertainment.

Single perſons not to be entertained as ſojournour without License of Select men upon Penalty.

And that all ſuch Boarders, Sojourners and Young perſons, that do live in any Family as ſuch, ſhall carefully attend the Worſhip of God in thoſe Families where they Reſide, and be ſubject to the domeſtick Government of the ſame, upon penalty of forfeiting *Five Shillings*, for every breach of this Act.

Boarders to be ſubject to the Government of the families where they reſide.

Penalty.

Inteſtate Eſtates, Wills & Inventories.

THat a true Inventory may be made and exhibited in the Court of Probates of the Eſtates of perſons deceaſed.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is hereby Enacted by the Authority of the ſame, That the Executor or Executors named by the Teſtator, or ſuch other perſon or perſons, to whom the Adminiſtration of the Eſtate of perſons deceaſed, ſhall be committed, where any perſon dyeth Inteſtate, calling or taking to him or them, two or more to whom the deceaſed perſon was Indebted, or made Legacy, and upon their refuſal or abſence, two other honeſt perſons, being next of kin to the perſon ſo dying, or (in their default or abſence) two or more of the honeſt Neighbours, friends, to the deceaſed, and in their preſence, and by their diſcretion, ſhall make, or cauſe to be made a true and perfect Inventory of all the Eſtate of the perſon deceaſed, as well Movable as not Movable whatſoever, and the ſame ſhall cauſe to be Indented; whereof the one part by the ſaid Executor, or Executors, Adminiſtrator or Adminiſtrators, upon his or their Oath or Oaths, to be taken before the Court, who have power to take Probate of Teſtaments, ſhall be by him or them delivered to the ſaid Court of Probates, and the other part to remain with the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators.

Inventories by whom to be taken.

And for preventing of fraud in concealing any part of the Eſtate of any perſon deceaſed.

It is further Enacted by the Authority aforeſaid, That if any perſon or perſons in this Colony, ſhall have in his or their Cuſtody or Poſſeſſion, any Goods or Chattels belonging to the Eſtate of a deceaſed perſon, or any Bills, Bonds, Accounts, or ſuch other things as may tend to diſcloſe his or her Eſtate; and upon demand of the ſame, made by the Executor or Adminiſtrator of ſuch Eſtate, ſhall refuſe to make delivery, or to give a ſatisfying account thereof, to the ſaid Executor or Adminiſtrator, it ſhall be in the power of the next Aſſiſtant or Juſtice of the Peace, upon Complaint thereof made to him by the ſaid Executor or Adminiſtrator, to

Such as conceal the Eſtate of a deceaſed perſon to be examined upon Oath & to be committed upon refuſal to Swear.

award Warrant to some fit person, to apprehend such Offender, and to bring him or her before such Assistant or Justice of the Peace, who may bind him or her with sufficient Sureties, to appear at the next Court of Probates, and the said Court of Probates, shall be, and are hereby Impowred to Examine such Offender or Offenders, by his or their Oaths, upon such Interrogatories, touching such Goods, Chattels, Bills, Bonds, Accounts, and other things tending to disclose his or her Estate aforesaid, as they shall think meet; and that if therein the Offender or Offenders shall refuse to be Examined upon Oath, or to answer fully to every interrogatory to such person or persons to be administred by the said Court of Probates; it shall be lawful for the said Court to commit every such Offender to the Common Goal, there to remain, until he or she shall better conform him, or her self.

Administration of the Estate of Intestates to whom to be granted.

And it is further Enacted by the Authority aforesaid, That when and so often as it shall happen, that any person dyes Intestate, Administration of such Intestates Goods and Estate, shall be granted to the Widdow, or next of Kin to the Intestate, or both, as the Court of Probates shall think fit; who shall thereupon take Bond with Sureties, of such person or persons (to whom Administration is granted as aforesaid) to their own satisfaction, for his or their faithful discharge of that work; the like Bond with Sureties, shall (by every Court of Probates, granting Administration upon the Estates of Intestates, or others whomsoever) be taken for a faithful discharge of the same; which Court of Probates, shall and may proceed to call such Administrators to account for, and touching the Goods and Estate of such deceased person, whether Intestate or other; and upon due hearing and consideration thereof (Debts, Funeral and just Expences of all sorts being first allowed) the said Court of Probates, shall, and hereby are fully Impowred to order and make a just distribution of the Surplusage, or remaining Goods and Estate of any such Intestate, as well real as personal, in manner following: *That is to say*, one third part of the personal Estate to the Wife of the Intestate (if any be) for ever, besides her dower or thirds, in the Housing and Lands, during Life, where such Wife shall not be otherwise Endowed before Marriage; and all the Residue of the real and personal Estate by equal Portions, to and among the Children, and such as shall regally represent them, (if any of them be dead) other then such Children, who shall have any Estate by settlement of the Intestate in his life-time equal to the others shares; Children advanced by settlement or portion not equal to the others shares, to have so much of the Surplusage, as shall make the Estates of all to be equal: except the eldest Son then surviving (where there is no Issue of the first-born or of any other Elder Son) who shall have two shares, or a double portion of the whole; and where there are no Sons, the Daughters shall Inherit as Co-partners; the division of the Estate to be made by three sufficient Freeholders upon Oath, or any two of them to be appointed and sworn by the said Court of Probates: Unless where all the Parties Interested in any Estate, being legally capable to act, shall mutually agree of a division among themselves, and present the same in Writing under their hands and seals, in which case such agreement shall be accepted and allowed for a settlement of such Estate; and be accounted vallid in Law, being acknowledged by the parties subscribing before the said Court of Probates and put upon Record.

Distribution of Intestate Estates.

Provided Nevertheless, That where any Estate in Houses and Lands cannot be divided among the Children, without great prejudice to, or spoiling of the whole, being so represented and made to appear unto the said Court

of

of Probates, the ſaid Court of Probates may order the whole to the Eldeſt Son, if he accept it, or to any other of the Sons ſucceſſively (upon his refuſal) he paying unto the other Children of the deceaſed, their equal & proportionable parts or ſhares, of the true value of ſuch Houſes and Lands, upon a juſt apprizement thereof, to be made by three ſufficient Freeholders upon Oath, to be appointed and ſworn as aforeſaid, or giving good ſecurity to pay the ſame in ſome convenient time, as the ſaid Court of Probate ſhall limit, making reaſonable allowances in the interim, not exceeding *Six per Cent. per Annum*; And if any of the Children happen to dye, before he or ſhe come of Age, or be Married, the portion of ſuch Child deceaſed, ſhall be equally divided among the Survivors.

Houſes and Lands not capable of diviſion to be ordered to the Eldeſt Son, he paying to the other Children their ſhares of the value.

And in caſe there be no Children, nor any legal Repreſentatives of them, then one moiety of the perſonal Eſtate ſhall be allotted to the Wife of the Inteſtate for ever, and one third of the real Eſtate for term of life; the reſidue both of the real and perſonal Eſtate equally to every of the next of kin of the Inteſtate in equal degree, and thoſe who legally repreſent them; no repreſentatives to be admitted among Collaterals, after Brothers and Siſters Children: and if there be no Wife, all ſhall be diſtributed among the Children, and if no Child, to the next of kin to the Inteſtate in equal degree, and their legal repreſentatives as aforeſaid: and in no other manner ſhall any ſuch Eſtate be diſtributed, to any Wife, Children or Kindred whatſoever: and every one to whom any ſhare ſhall be allotted, ſhall give Bond with Sureties before the ſaid Court of Probates, if debts afterwards be made to appear, to refund and pay back to the Adminiſtrators his or her Rateable part thereof, and of the Adminiſtrators charges: The Widows thirds or dower in the real Eſtate, at the expiration of her term, to be alike divided as aforeſaid: Saving to any perſon agrieved at any order, ſentence or decree made for the ſettlement and diſtribution of any Inteſtate Eſtate, or at any other order, ſentence, decree or denial that ſhall at any time be made and given by the Court of Probates, referring to the approbation and allowance of any Will, grant of Adminiſtration, or other matter, their right of appeal to the next Court of Aſſiſtants, every perſon ſo appealing giving Security, to proſecute the appeal with effect.

In caſe there be no Children nor legal repreſentatives of whom the Eſtate to be allotted, to the Wife & next of kin.

Right of Appeal Saved.

Provided, That all ſuch appeals or application, ſhall be Entred and Proſecuted at the ſaid Court of Aſſiſtants, by ſuch agrieved perſon, (if within this Colony, or the Provinces of the *Maſſachuſett-Bay*, or *New-York*, Colony of *Rhode-Iſland*, or other parts of *New-England*; and at full age, at the time of ſuch Court of Probates declaring ſuch order, ſentence or decree) within eighteen months after ſuch declaration of ſaid Court of Probates, or within one year after he or ſhe come of Age to chooſe Guardians, or come into this Colony. And all perſons agrieved as aforeſaid, and being preſent, either by themſelves or Guardian, or having legal notice to be preſent at the Court of Probates, who ſhall make ſuch diſtribution, or approve or allow any ſuch Will Grant, or deny Adminiſtration or other matter, ſhall have liberty to make their application or appeal to the next Court of Aſſiſtants, and to no other after.

Appeals when to be proſecuted.

And it is further Enacted by the Authority aforeſaid, That if any Executor or Executors, of the Will of any perſon deceaſed, knowing of his or their being ſo named and appointed, ſhall not within the ſpace of Thirty days, next after the deceaſe of the Teſtator, cauſe ſuch Will to be Proved and Recorded, in the Regiſters Office of the ſame County, where the deceaſed perſon laſt dwelt; or preſent the ſaid Will, and declare his or their refuſal of the Executorſhip; every Executor ſo neglecting, of his or her truſt and duty, in that behalf, (without juſt excuſe made, and accepted

Executors to cauſe Probate of Wills to be made in 30. days next after the Teſtators deceaſe.

Penalty for neglect.

cepted for such delay,) shall forfeit the Sum of *Five Pounds per.* Month, from and after the expiration of the said Thirty dayes, untill he or they shall cause Probate of such Will to be made, or present the same as aforesaid: Every such forfeiture to be had and recovered, by Action, or Information, in the Court of Probates, in the said County, and to be disposed of; one Moiety thereof to the use of the Poor of the Town, where the deceased person last dwelt, and the other Moiety to him or them, that shall Inform, or Sue for the same: And upon any such refusal of the Executor or Executors, the Court of Probates, shall commit Administration of the Estate of the deceased, *Cum Testamento annexo*, unto the Widow or next of kin to the deceased; and upon their refusal, to one or more of the principal Creditors, as they shall think fit.

Upon Refusal Administration to be committed *Cum Testamento annexo.*

Executors by wrong.

And if any person or persons, shall Alienate or Imbezel, any of the Goods or Chattels, of any person deceased, before he or they have taken out Letters of Administration, and exhibited a true Inventory, of all the known Estate of the party deceased, all, and every person or persons, so acted, shall stand chargeable, and be liable to the Actions of the Creditors, and other persons grieved, as being Executors in their own wrong: And the Court of Probates shall cause a Citation to be made out, to the Widow, or next of kin, and upon their neglect of appearance, or refusal, may commit Administration of any such Estate, to some one or more of the chief Creditors, if accepted by him or them, or others, as the said Court shall think fit, upon their refusal.

Citation to be made out to the Widow & next of kin.

Guardians to be allowed by the Court of Probates.

And be it further Enacted by the Authority aforesaid, That the Court of Probates in each County respectively, when and so often as there shall be occasion, be, and hereby are Impowred, to allow of Guardians, that shall be chosen by Minors of Fourteen years of Age, and under Twenty one years; and to appoint Guardians, for such as shall be within that Age; taking sufficient Security of all such Guardians, for the faithful discharge of their trust according to Law; and to account either to the Court, or Minor, when such Minor shall arrive at full age, or at such other time as the said Court of Probates upon Complaint to them made, shall see cause.

Court of Probates to take bond of Administrators.

And further it is Enacted by the Authority aforesaid, That every Court of Probates, shall upon their granting Administration upon the Estate of any deceased person, take Bond with Sureties, two or more as aforesaid, in the name of the said Court, with this Condition. *Viz.*

The Condition of the administration bond.

THE Condition of this Obligation is such, That if the within bounden *A. B.* Administrator of all and singular the Goods, Chattels and Credits of *C. B.* deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said *A. B.* or into the hands or possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the Registry of Court of at or before the day of next ensuing, and the same Goods, Chattels, and Credits, and all other the Goods, Chattels and Credits of the said Deceased, at the time of his death, which at any time after shall come into the hands or possession of the said *A. B.* or into the hands or possession of any other person or persons for him, do well and truly Administer according to Law, and further do make or cause to be made, a true and just account of his said Administration at or before the day of And all the

the reſt and reſidue of the ſaid Goods, Chattels and Credits which ſhall be found remaining upon the ſaid Adminiſtrators accompt, the ſame being firſt examined and allowed of by the ſaid Court of Probates, ſhall deliver and pay unto ſuch perſon or perſons reſpectively, as the ſaid Court of Probates by their decree or ſentence, purſuant to the true intent and meaning of this Act, ſhall limit and appoint; and if it ſhall hereafter appear, that any laſt Will and Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named, do exhibit the ſame into the ſaid Court, making requeſt to have it allowed and approved accordingly, if the ſaid *A. B.* within Bounden being thereunto required, do render and deliver the ſaid Letters of Adminiſtration (approbation of ſuch Teſtament being firſt had and made) in the ſaid Court, then this Obligation to be void and of none effect, or elſe to remain in full force and virtue.

And it is further Enacted by the Authority aforeſaid, That if any of the Creditors or Legatees of the Deceaſed, are agrieved by the apprizement of the Eſtate made by the Adminiſtrator, or the perſons by him appointed, they may have relief by application to the Court of Probates that granted Adminiſtration; who are hereby required and impowred to appoint twelve good and lawful men of the Neighbourhood, and to Swear them to a new appriz-ment of ſuch Eſtate, at the true value and worth thereof, in common Eſtimation, according to the beſt of their skill. And the Adminiſtrator ſhall be accountable for ſuch Eſtate, according to the apprizment thereof, made by the ſaid twelve men: and if he make payment of Debts or Legacies therewith, or with any part thereof, the Creditors or Legatees ſhall have ſuch Eſtate, at the value ſtated by ſuch apprizers.

Deceaſed perſons Eſtates to be prized by a Jury in caſe.

And further it is Enacted by the Authority aforeſaid, That from and after the publication hereof, all Sales and Alienations of Houſes and Lands, (belonging to the Eſtate left by any deceaſed perſon) made by the Adminiſtrator or Adminiſtrators of ſuch Eſtate where there is ſurviving any proper Heir or Heirs of the perſon deceaſed, ſhall be void and of none effect; Unleſs ſuch Sales and Alienations ſhall be ratified and eſtabliſhed by the approbation of the General Aſſembly of this Colony.

Adminiſtators may not Sell Lands, &c.

And all ſuch Houſes and Buildings as appertains to the Eſtate of any perſon deceaſed, ſhall be kept and maintained in Tenantable repair by the Revenue of the Lands belonging to ſuch Eſtate, and ſhall in ſuch repair be delivered to the Heirs or Legatees at the time of Diſtribution, extraordinary caſualties excepted.

Houſes and Buildings to be kept in repair for Heirs.

Juſtices.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is hereby Enacted and Ordained by the Authority of the ſame, That all perſons within this Colony, whether they be Inhabitants or Forreigners, ſhall enjoy the ſame Juſtice and Law that is general for the Colony in all Caſes proper to the Cognizance of the Civil Authority and Courts of Judicature in the ſame, and that without partiality or delay.

Equal Juſtice to be adminiſtred.

Laſcivious Carriages.

For the preventing of Laſcivious Carriages and practices againſt which (in regard of the variety of circumſtances) particular and expreſs Laws cannot ſuddenly be ſuited and made.

Persons offending by lascivious carriages how to be punished.

It is Ordered and Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That the several and respective County Courts within this Colony shall be, and are hereby Impowred to proceed against and punish such Offenders either by fine, committing to the House of Correction, or by Corporal punishment according to their discretion, that such seasonable and exemplary Executions may be done upon Offenders in that kind, that others may hear and fear.

The Tenure of our Lands.

The tenure of our Lands.

IT is Ordered and Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That whatsoever Lands have been, or shall be granted by the General Assembly of this Colony, to the respective Townships, or to any particular person or persons by the said Assembly, or by particular Towns, shall be held to them, their Heirs, Successors and Assigns for ever, according to the most free Tenure of *East Greenwich* in the County of *Kent*, in the Realm of *England*, according to our Charter Grant. This Act was past in the General Assembly, *Octob.* 10. 1672.

Grants of Land to be taken up in one entire piece.

And it is further Enacted by the Authority aforesaid, That all grants of Land made to any particular person or persons not yet taken up and laid out, shall be taken up in one intire piece in a suitable form, except by special liberty from this Court, and that all former grants that are, or shall be laid out by Order, shall be sufficiently bounded, and so maintained to prevent all future trouble. This Act was past at the Sessions of the General Assembly, *May the* 8*th.* 1673.

And that every Townships Grants of Lands, as they have been obtained by gift, purchase, or otherwise of the Natives and grant of this Court, may be settled upon them, their Heirs, Successors and Assigns for ever, according to our Charter granted by his late Majesty of happy memory.

Every Town to have a Patent for their Lands.

Be it further Enacted by the Authority aforesaid, That every Town in this Colony, shall take out Pattents for their said Grants, of the Governour and Company; which this Court doth hereby Order, shall be granted to them, for the holding of such Tracts of Land as have been formerly, or shall be hereafter granted to them by this Court, and to their Heirs, Successors and Assigns, firm and sure according to the tenure of our Charter, in free and common Soccage, and not in Capite, nor by Knight Service, which Pattents shall be Sealed with the Seal of the Colony, and Signed by the Governour, and by the Secretary, in the name of this Court, and Entred upon Record: Which Pattent, or a Record thereof, shall be a sufficient evidence for all and every Township that hath the same to all intents and purposes, for the holding the said Lands firm to them, their Heirs, Successors and Assigns for ever: The like course may be taken for all Farms granted to any person or persons whatsoever within this Colony. The Act next above recited was past in the General Assembly, *May* 14*th.* 1685.

Particular persons may have Pattents.

And for securing Estates given to charitable Uses.

Be it Enacted and Ordained by the Authority aforesaid, That all such

ſuch Lands, Tenements, Hereditaments, and other Eſtates, that either formerly have been, or hereafter ſhall be given and granted, either by the General Aſſembly of this Colony, or by any Town, Village, or particular perſon or perſons for the maintenance of the Miniſtry of the Goſpel in any part of this Colony, or Schools of Learning, or for the relief of poor people, or for any other publick and charitable Uſe, ſhall for ever remain and be continued to the uſe or uſes to which ſuch Lands, Tenements, Hereditaments, or other Eſtates, have been or ſhall be given and granted, according to the true intent and meaning of the Granters, and to no other uſe whatſoever; and alſo be exempted out of the general Liſts of Eſtates, and free from payment of Rates.

Eſtates given to Charitable uſes to remain to that uſe.

To be free from Rates.

An Act for Regulating of Tanners, Curriers and Cordwainers.

FOR the better preventing of deceits and abuſes by Tanners, Curriers and Dreſſers or Workers up of Leather.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no Butcher whatſoever, by himſelf or any other perſon, ſhall gaſh or cut any Hide of Ox, Steer or Cow in fleaing thereof or otherwiſe, whereby the ſame ſhall be impaired or damaged, on pain of forfeiting *Twelve-pence* for every gaſh or cut in any ſuch hide or skin.

Penalty 12*d.* a gaſh for Butchers that cut and gaſh hides.

And that no perſon whatſoever, ſhall ſet up the Trade of Tanning in this Colony, or for that end ſhall erect or ſet up any Tan fats, nor exerciſe and uſe that Trade, except he do manifeſt his skill to the County Court of that County wherein he Lives, and obtain their Licence to ſet up that Trade, and manage the ſame, on pain of forfeiting the Sum of *Fifty Pounds*, whereof one moiety ſhall be to the County Treaſury, and the other moiety to him or them that ſhall proſecute the ſame to effect.

No perſon to ſet up Tanning without liberty from the County Court.

And it is further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, uſing, or that ſhall uſe the myſtery or faculty of Tanning, ſhall at any time or times hereafter, offer or put to Sale any kind of Leather which ſhall be inſufficiently or not throughly Tanned, or which hath been over Limed, or burnt in the Limes, or which ſhall not have been after the Tanning thereof well and ſufficiently dried, or that ſhall not be viewed and ſealed according to Law, upon pain of forfeiting ſuch Leather, or the full value of it, or ſo much thereof as by any Searcher or Searchers of Leather lawfully appointed and ſworn ſhall be found inſufficiently Tanned and dried as aforeſaid: One third part of which forfeiture ſhall be to the Complainer, and the reſt to the County Treaſury; And no perſon or perſons whatſoever, uſing, or which ſhall hereafter uſe and occupy the myſtery of Tanning, ſhall ſet any of his or their Fatts in Tan-hills, or other places where the woozes or Leather put to Tann in the ſame, ſhall or may take any unkind heats, nor ſhall put any Leather into any hot or warm woozes whatſoever; on pain of forfeiting *Twenty Pound* for every ſuch offence.

No Tanner to put to Sale any Leather inſufficiently Tanned or not Sealed.

No unkind heats to be uſed in Tanning.

And no perſon or perſons whatſoever, uſing, or that ſhall uſe the myſtery of Tanning as aforeſaid, ſhall cauſe or ſuffer any Leather that is not Sealed according to Law, to be wrought up by any Shoo-maker, imployed either by himſelf, or by any other perſon or perſons for him; on pain of forfeiting the Sum of *Five Pounds* for every Hide ſo as aforeſaid by him cauſed or ſuffered to be wrought up.

No Tanner to ſuffer any unſealed Leather to be wrought up. Penalty 5*l.* per Hide.

Ann

Curriers duty.

And be it further Enacted by the Authority aforesaid, That no person or persons using, or that shall hereafter use the art or mystery of Currying, shall burn or scale any Hide or Leather in the currying thereof, but shall work the same in all respects with good sufficient Liquor, both for quality and quantity suitable to the condition of the Leather dressed by him or them; on pain of forfeiting for every offence or act done contrary to the true intent and meaning of this Act, the full value of such Hide or Hides marred by his evil workmanship or handling, which shall be judged by two or more sufficient and skilful persons, Curriers, or others, under Oath given them for that end, by one Assistant or Justice of the Peace.

Penalty for marring or hurting Leather.

Searchers and Sealers to be chosen and sworn.

Their duty

And every Town where need is shall Choose one or two honest men, skilful in Leather within their Township, and present them unto the County Court, or to some Assistant or Justice of the Peace, who shall appoint and swear the said persons by their discretion, to make search and view within the limits of their Township, as oft as they shall think needful, who shall have a Mark or Seal, prepared by each Town for that purpose; and the said Searchers, or one of them shall keep the same, and therewith shall Seal such Leather as they shall find in all points sufficient and no other.

Defective Leather to be seized, &c.

And it is further Enacted by the Authority aforesaid, That if the said Searchers or any of them, find any Leather sold or offered to be sold, which shall be Tanned, wrought, converted or used contrary to the true intent and meaning of this Act, it shall be lawful for the said Searchers, or any of them, to seiz all such Leather, and retain the same in their custody, until such time as it be tryed by such tryers, and in such manner as in this Act is appointed, *That is to say,* Upon the forfeiture of any Leather, the Officer so seizing the same, shall within three days, call to him four or six men honest and skilful in Leather, to view the same in the presence of the party, (who shall have timely notice thereof) or without him, who shall certifie upon their Oaths unto the next County Court in that County, or unto some Assistant or Justice of the Peace the defect of the same Leather; except the parties shall before submit to their judgment.

Shooes and Boots, &c. made of insufficient Leather to be forfeited.

And every of the said Searchers and Sealers of Leather shall be, and are hereby Impowred, to search for all such Shooes, Boots and other ware made by Shooe makers or Cordwainers, as the said Searchers or any of them shall judge or suspect to be made of insufficient Leather, and upon any such search, to seiz and secure all such Shooes, Boots and other Ware, as they shall find and judge to be made of such Leather; and if upon due consideration and tryal thereof had and made by four or six men, honest and skilful in Leather as aforesaid, the same Shooes, Boots or other Ware shall be judged and certified to be made of insufficient Leather, that then the same Wares shall by the Owner or Owners thereof be forfeited; one third part thereof to the Complainer, the rest to the County Treasury; Unless the Owner or Owners thereof shall give Oath that the same Wares were made of Leather Sealed according to Law.

Unless &c.

Penalty on sealers that neglect their duty.

And if any Searcher or Sealer of Leather, shall neglect or refuse, with competent speed to seal any Leather sufficiently Tanned, wrought and dryed according to the intent and true meaning of this Act, having timely notice thereof, or shall seal any Leather which shall be insufficient, that then every such Searcher and Sealer of Leather, shall forfeit for every such offence, the Sum of *Twenty Shillings*; and every Leather Sealer in this Colony, shall for his Fee, have allowed and paid unto him for each dicker of Leather he shall seal, *Eighteen pence*, for half a dicker, *Twelve pence*, and *Four pence per* Hide for single Hides.

Their Fees.

And

And be it further Enacted by the Authority aforesaid, That for the future after the publication hereof, no person or persons shall transport or send away out of this Colony, any Tanned Hides, Skins or Leather upon pain of forfeiting all such Hides, Skins or Leather, or the full value thereof; one third part whereof shall be to the Complainer, the rest to the Treasury of the County where the Offence is committed. Tanned Leather not to be Transported out of this Colony.

And all fines, forfeitures and penalties that shall arise and grow due by virtue of this Act, or any clause therein contained (not otherwise therein disposed of) shall accrue and be disposed of in manner following: *That is to say*, one third part thereof to the Treasury of the County where the Offence is committed, one third part thereof to the Treasury of the Town where the Offender Inhabiteth, and the other third part to the Seizer or Seizers of such insufficient Leather from time to time. Fines and forfeitures how to be disposed.

Lying.

BE it Enacted and Declared by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That every person of the Age of Discretion, which is accounted fourteen years, who shall wittingly and willingly make or publish any Lye, which may be pernicious to the publick Weal, or tending to the damage or injury of any particular person, to deceive and abuse the people with false News or reports, and the same duly proved in any Court, or before any one Magistrate, who hath hereby power granted to hear and determine all Offences against this Law, such persons shall be fined for the first offence *Ten Shillings*, or if the party be unable to pay the same, then to Sit in the Stocks, so long as the said Court or Magistrate shall appoint in some open place, not exceeding three hours; for the second offence in that kind whereof any shall be legally convicted, the Sum of *Twenty Shillings*, or be Whipt on the naked Body, not exceeding ten stripes, and for the third offence that way, *Forty Shillings*, or if the party be unable to pay, then to be whipt with more stripes not exceeding thirty; and if yet any shall offend in like kind and be legally convicted thereof, such person male or female shall be fined *Ten Shillings* a time more than formerly, or if the party offending be unable to pay, then to be whipt with five or six stripes more than formerly, not exceeding thirty at any time; and for all such as being under the age of discretion that shall offend in Lying, their Parents or Masters shall give them due correction in the presence of some Officer if any Magistrate shall so appoint. *Provided also*, That no person shall be barred of his just action of Slander, or otherwise by any proceeding upon this Act. Penalty for First offence. Second Offence. Third Offence. Proviso.

Magistrates.

THIS *Court being sensible of the great Disorder growing in this Colony, by Contempt cast upon the Civil Authority; which to prevent,*

It is Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That whosoever shall defame any Court of Justice, or the Sentences and Proceedings of the same, or any of the Magistrates, Judges or Justices of any such Court, in respect of any Act or Sentence therein passed, Defamers of Civil Power to be punished by fine, &c.

fed, and be thereof lawfully Convicted before any of the Courts of Assistants, or General Courts in this Colony, he shall be punished for the same, by fine, imprisonment, disfranchizement or banishment, as the quality and measure of the Offence shall deserve.

Members of Court for unbeseeming speeches to be reproved &c.

And be it further Enacted by the Authority aforesaid, That if any Member of any Court shall use reproachful or unbeseeming speeches or behaviour towards any Magistrate, Judge, or Member of the Court in the face of the Court, he shall be sharply reproved by the Governour, or the Judge of the said Court for the time being, and if the person so reproved, shall reply again without leave, he shall be bound over to the next Superiour Court, to make answer for the same.

And for preventing all occasions of partial and undue Proceedings in Courts of Justice in this Colony, and avoiding jealousies that may arise, concerning Judges and Justices.

In what case a Judge or Justice hath no power.

It is further Enacted by the Authority aforesaid, That in every Case of a civil nature between party and party, where there shall fall out so near a Relation between any Judge or Justice, and any of the parties, as between Father and Son, either by Nature or Marriage, Brother and Brother in like kind, Uncle and Nephew, Landlord and Tenant, such Judge or Justice though he may have liberty to be present in the Court at the time of Tryal, and give reasonable advice in the Case, yet he shall have no power to Vote or give Sentence therein, neither shall he Sit as Judge or Justice, nor upon the Bench when he gives his advice as aforesaid.

Man-slaughter.

Be it Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted and Ordained by the Authority of the same, That if any person in the just and necessary defence of his Life, or the Life of any other, shall kill any person attempting to Robb or Murther in the Field or Highway, or to break into any Dwelling-House, if he conceive he cannot with safety of his own person, otherwise take the Fellon or Assailant, or bring him to Tryal, he shall be holden blameless.

Marritime Affairs.

WHEREAS through the Blessing of God upon this Colony, the Navigation and Marritime Affairs thereof is grown to a considerable Interest, the well management whereof is of great concernment to the publick Weal, and for the better ordering the same for the future, and that there may be known Laws and Rules for all sorts of persons imployed therein, according to their several Stations and Capacities.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and it is hereby Enacted and Ordained by the Authority of the same,

SECT. 1.

Minor part Owners to be concluded by the major part

That whereas there is many times differences between Owners of Ships, Ketches, Barques, Sloops and other Vessels, in setting forth their several parts, whereby damage doth accrue to the particular concernment of Owners,

rs, and if not prevented, may be a great obſtruction of Trade, where here are ſeveral Owners concerned as Owners in any Ship, Ketch, Bark, loop or other Veſſel whatſoever, uſed for Traffick, Commerce, Fiſhing, Logg, Board, Wood or Stone Carriage upon ſalt or freſh Water, all ſuch Owners of leſſer part ſhall be concluded for the ſetting forth of his part, or the major part of the whole concerned; ſuch Owners ſo concluded, having notice given them of the meeting of ſuch concluſion if they be nigh hand; and in caſe of any Owner refuſing, or by reaſon of neglect or abience, or not able to provide for the ſetting forth his part, the Maſter of ſuch Ship or Veſſel, may take up upon the bottom for the ſetting forth of the ſaid part, the which being defrayed, the remainder of the Income of ſuch part to be paid by the Maſter to the ſaid Owner.

SECT. II.

And in caſe of Freightment where any Owner ſhall refuſe to aſſent to the letting out of Ship or Veſſel where he is Intereſted, ſuch Diſſenter ſhall manifeſt it by ſome publick Act of Proteſt, before the Signing of Charter-party except the Maſter, or the reſt of the Owners, or both conceal from him or them their actings, then his or their proteſt after Charter-party ſigned by themſelves or agents, ſhall be taken for legal Diſſent, yet not to hinder the proceed of the Ship or Veſſel, but that thoſe ſo ſending her forth, ſhall be liable to reſpond his part upon Enſurance, according to the cuſtom of Merchants; which Enſurance is to be defaulked out of that part of hire due for ſuch Owners which diſſented.

Owners refuſing to ſign Charter-party to make publick proteſt, &c.

SECT. III.

Whereas Maſters of Ships or other Veſſels, have their Owners live part in one Country, and part in another, whereby they have in themſelves not only opportunity, and ſome have made uſe thereof, in their own perſons to repreſent the major part of the Owners in the place where he comes.

It is therefore Enacted by the Authority aforeſaid, That ſuch Maſter ſhal. not be taken to have Vote in the ordering of ſuch Veſſel further than his own intereſt, except he make it appear to the reſt of the Owners where he is, that he is authorized under the hands of ſuch Owners abſent, and then he is to have Votes according to the proportion of parts he ſo ſtands for, and the majority of parts are to carry it as before: Nevertheleſs it is to be underſtood, that any Owner hath power to make Sale of his part, either to the reſt of the Owners or others, as may be moſt to his own advantage: And if any Maſter ſhall preſume to act contrary hereunto, what damage ſhall be ſuſtained by the reſt of the Owners, the Maſter ſhall be liable to make good, it being duly proved againſt him.

Maſters to have but ſingle Vote, unleſs, &c.

SECT. IV.

All Maſters taking Charge as Maſters of Ships or other Veſſels, and not being ſufficient to diſcharge his place, or that through negligence or otherwiſe, ſhall imbezel the Owners or Imployers Stock or time, or that ſhall ſuffer his men to neglect their due attendance on Board both by day and night, eſpecially when or whilſt Merchants Goods are on Board, and that himſelf or Mate be not on Board every night to ſee good orders kept; upon defect therein, ſuch Maſter ſhall be liable to pay the damage that ſhall accrue by ſuch neglect, it being duly proved againſt him.

Penalty on Maſters not attending on Board.

SECT. V.

For the Maſters better ſecuring their men to them, and to prevent all Coven, they ſhall make clear agreements with their Marriners and Officers for their Wages; and thoſe agreements Enter into a Book, and take the ſeveral mens hands thereto, a Copy whereof, the Maſter as a Portlidge Bill, ſhall leave with the Owners if required of them before their

Maſters to make particular agreements with Seamen.

setting Sail upon the Voyage; and all such agreements the Master shall make good to the Seamen, and such Ship or Vessel as they Sail in, shall be liable for to make good the same.

SECT. VI.

Masters to make due provisions.

All Masters of greater or lesser Vessels, shall make due and meet provisions of Victuals and Drink for their Seamen and Passengers according to the laudable Custome of our English Nation, as the Custome and Capacity of the places they Sail from will admit, upon penalty of paying damages sustained for neglect thereof.

SECT. VII.

No Master to entertain Seamen not discharged, nor Seamen to enter themselves till cleared. Penalty.

That no Master shall Ship any Seaman or Marriner, that is Shipt before by another Master or Imployer upon a Voyage, nor shall any Seaman Ship himself to any other man, until he be discharged from him that Shipt him first; upon penalty of him that entertains him to pay one months Wages that such Seaman agrees for, as also of such Seaman Shipping himself to pay one months wages that he agrees for; the half thereof to be paid to the use of the poor of the Town or place where the Offence is committed, the other half to the Complainer or Informer.

SECT. VIII.

Masters prohibited the Sailing into any Port but that bound to.

Unless, &c.

No Master of Ship or Vessel shall Sail into any Haven or Port, except necessitated thereunto by Wind or Weather, or for want of provision, or for Security from Pyrates, but such Port as by Charter-party, or his Bills of Loading he is bound unto, until he hath delivered his Goods according to his Engagement; and in case any Master shall take in Goods for more ports or places than one, he shall declare himself so to do to those that freight upon him; and in case he shall voluntarily go to any other Port or Harbour then he is obliged to as aforesaid, if damage to the Merchants Goods happen thereby, such Master shall make good the same, it being duly proved against him.

SECT. IX.

Masters may alter Voyages in case.

Seamens contract to stand good.

Any Master hired out, or imployed by his Owners upon any Voyage, receiving advice from his Imployers, that the alteration of the Voyage when they are abroad may be much for their security and advantage, by going to some other Port, the Master seeing meet to close with that advice, the Marriners shall not hinder his proceed, unless where any of the Seamen shall have made a particular contract with the Master to the contrary. *Provided* that they be not carried to stay out above one year, nor be carried to any place where they may be liable to be Pressed into a Service they are not willing unto.

SECT. X.

Masters to pay Wages according to agreement.

Masters shall see their Officers and Marriners be duly paid their Wages, according to agreement made with them, upon the finishing of their Voyage, without delay or trouble; upon penalty of paying damages for neglect, and all Costs that the Seamen shall be at for the recovering the same.

SECT. XI.

Whereas many times Masters take in Merchants Goods on Board their Ships or Vessels upon Freight, when yet they are not meetly fitted with suitable Tackling and Seamen, for the security of such Ships or Vessels and Goods.

Masters, Ships and Seamen to bear loss of Goods damnified by their neglect, &c.

Be it further Enacted by the Authority aforesaid, That in case any Master of Ship or Vessel, after he hath Laden upon his Ship or Vessel any Merchants Goods to be Transported, shall for want of sufficient ground Tackle (if to be had) or because of want of sufficient men being on Board, come ashoar to the damage of such Merchants or Freighters in their Goods, the Ship shall be liable to make good such damages, and

in case the defect appear to be in the Master and men both, or either; the Owners shall recover such Damage from them.

SECT. XII.

Where any Ship Master hath Mored his Ship or Vessel, none other shall come so near to him first mored, as to do him damage, or receive damage by him; upon the penalty of him so coming, to make good all the damage, and to be further punished, if wilfulness or perverseness in the Action be proved against him. Damage upon Goods when Ships fall foul &c.

SECT. XIII.

In case any Master of Ship or Vessel under Sail, shall run on Board any other Ship or Vessel at an Anchor, and damnifie him, the party offending, shall pay the damage, and such Ship or Vessel as he Sails in, shall be liable to Arrest for the making good the damage: the damage to be judged by indifferent men appointed by the Judges thereof, unless the parties agree among themselves. Masters running on board any Ship at Anchor &c.

SECT. XIV.

In case of loss of Goods by reason of throwing some Over-board to ease the Vessel to save the rest, the Goods thrown Over board shall not be done without the Master and major part of the Companies consent, or at least of the Officers with the Master; which Goods shall be brought into an Average, and the whole loss to be born by Ship, and Goods and Wages, in proportion that are saved; the like course shall be for cutting of Masts, and loss thereof, or Boats, Cables, or Anchors, as also of Rigging and Sails for the safety of the whole; the Merchants Goods are to bear a part of the Loss. Goods thrown over board by consent of Masters &c. to be made good, by an average.

SECT. XV.

In case a Ship or Vessel at setting forth proves deficient, and gives over the Voyage, the Charges the Merchant hath sustained in Shipping and Landing his Goods, shall be born by the Master and Owners of such Vessel that presumes to take Goods into an insufficient bottom. Damage by an Insufficient Bottom.

SECT. XVI.

Any Ship or Vessel at Sea receiving damage by the Masters or Mariners negligence, yet bringeth the Merchants Goods home, and delivereth them according to Bills of Lading; he shall receive his Freight. But if the Goods be damnified, the Master or Mariners shall make good the damage. Damage at Sea

SECT. XVII.

If any Ship or Vessel in Storm, shall break loose, and fall upon another, and do her damage for want of Ground Tackle, the Ship breaking loose, shall make good the damage. But if it appear, the Master or Mariners, or both, are negligent of freshing their hoase, or clearing their Cables; they shall pay the damage for such neglect. Damage by Ships breaking loose.

SECT. XVIII.

All Mariners being Shipt upon a Voyage, and in pay, they shall duly attend the Service of the Masters Ship or Vessel for the Voyage; and not absent themselves day or night, without leave from the Master, upon forfeiting for every Offence *Five Shillings*. Mariners absent without leave.

SECT. XIX.

No Officers or Mariners shall be disorderly or unruly, to occasion disturbance in the Ship, or other Vessel he is Shipped upon, to hinder or damnifie the Voyage, to be proved by the Master or other Mariners, or both, upon penalty of paying the damage if able, and in case of inability to pay, to suffer corporal punishment as the nature of the offence may appear to the Judges; and in case Master or Mariners shall conceal the offences of such, and refuse to give in Evidence therein, they shall be Amerced or Imprisoned, as the Judges shall see meet. Officers or Mariners unruliness

SECT. XX.

Ignorant Pilot or Officer.

If any shall undertake the charge of Pilot, Boatswain, Gunner, or any other Office in Ship or other Vessel, and not be able to discharge the duty of the place; such shall lose their Wages in part or in whole, and be further punished for their presumption, as the Judges shall see meet.

SECT. XXI.

Watch to be kept.

All Mariners shall keep true Watch at Sea, or in Harbour, as the Master shall appoint, upon pain of forfeit of *Twelve Pence* for every default to be defaulked out of their Wages.

SECT. XXII.

Mariners deserting the Voyage.

Any Mariner that hath entered upon a Voyage, and shall depart and leave the Voyage, shall forfeit all his Wages; one half to the poor, the other half to the Master and Owners, and be further punished by Imprisonment, or otherwise as the case may be circumstanced; to be judged by the Magistrate or Magistrates they are complained to; except such Seaman shall shew just cause for his so leaving the Voyage, and shall procure an Order therefore from Authority.

SECT. XXIII.

Run-away Mariners.

If any Mariner shall have received any considerable part of his Wages, and shall run away from the Ship or Vessel he belongs to, and decline the Service of the Master in the prosecution of the Voyage: he shall be pursued as a Disobedient Runaway Servant, and proceeded with as such an one.

SECT. XXIV.

Mariners Entertaining without leave.

If any Mariner shall entertain any person or persons on Board the Ship or Vessel he Sails in, without the Masters leave; or Masters or Mariners shall do it at unseasonable times: he or they shall forfeit *Twenty Shillings*, one half to the poor, the other half to the Owners.

SECT. XXV.

Outrage upon the Master.

No Seaman or Seamen, or Officer shall commit any Outrage upon the Master of any Ship or Vessel: but those so offending shall be severely punished by fine or other corporal punishment, as the fact shall appear to be circumstanced to the Judges that shall hear it, and as they shall judge meet. If any Officers or Mariners shall combine against the Master, whereby the Voyage shall be diverted or hindred, or that damage thereby shall accrue to the Ship and Goods: they shall be punished with loss of Wages, or otherwise as Mutiners, as the case may require.

SECT. XXVI.

Ships in distress not to be left.

In case any Ship or Vessel be in distress at Sea by Tempest or other accident, the Mariners shall do their utmost endeavour to assist the Master in saving Ship and Goods; and not desert him, without apparent hazard appear, that by their staying they may lose their lives.

SECT. XXVII.

Mariners to do their utmost in Ship wrecks to save goods.

And in case of suffering Shipwreck, the Mariners are without dispute upon their getting on Shoar, to do their utmost endeavour to save the Ship or Vessel, Tackle and Apparel; as also the Merchants Goods as much as may; out of which they shall have a meet compensation for their hazard and pains; and upon conviction of negligence herein, shall be punished.

An Act to prevent Incestuous Marriages.

Although this Court doth not take in hand to determine what is the whole breadth of the Divine Commandment respecting unlawful Marriages, yet for preventing that abominable Dishonesty and Confusion which might otherwise happen

Be

Degrees of Kindred forbidden Marriage.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no man shall marry any woman within the degrees hereafter named in this Act, *That is to say,* No man shall marry his Grandfathers Wife, Wives Grandmother, Fathers Sister, Mothers Sister, Fathers Brothers Wife, Mothers Brothers Wife, Wives Fathers Sister, Wives Mothers Sister, Fathers Wife, Wives Mother; Daughter, Wives Daughter, Sons Wife, Sister, Brothers Wife, Wives Sister, Sons Daughter, Daughters Daughter, Sons Sons Wife, Daughters Sons Wife, Wives Sons Daughter, Wives Daughters Daughter, Brothers Daughter, Sisters Daughter, Brothers Sons Wife, Sisters Sons Wife, Wives Brothers Daughter, Wives Sisters Daughter; and if any man shall hereafter marry, or have carnal copulation with any woman, who is within the degrees before recited in this Act, every such Marriage shall be, and is hereby declared to be null and void; and all Children that shall hereafter be born of such Incestuous Marriage or Copulation, shall be for ever disabled to Inherit by Descent, or by being generally named in any Deed or Will, by Father or Mother.

Penalty for any within the said Degrees that shall Marry.

And be it further Enacted by the Authority aforesaid, That every man and woman, who shall marry, or carnally know each other, being within any of the degrees before recited in this Act, and shall be convicted thereof before His Majesties Court of Assistants within this Colony, such man and woman so convicted, shall be set upon the Gallows by the space of an hour, with a Rope about their Neck, and the other end cast over the Gallows, and in the way from thence to the Common Goal, shall be severely Whipt, not exceeding forty stripes each. Also every person so offending, shall for ever after wear a Capital I of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to their Cloaths, and sewed upon their upper Garments, on the out side of their arm, or on their Back in open view; and if any person or persons having been convicted and sentenced for such offence, shall at any time be found without their Letter so worn, during their aboad in this Colony, they shall by Warrant from any one Assistant or Justice of the Peace, be forthwith apprehended, and ordered to be publickly Whipt, not exceeding fifteen stripes, and so from time to time *Toties Quoties.*

Penalty on such whose Marriage is declared null, to converse or dwell together.

And be it further Enacted by the Authority aforesaid, That if any man or woman, that shall hereafter marry contrary to the intent of this Act, and whose Marriage shall be by this Act declared null and void, shall be so hardy as to converse together as man and wife, or shall continue to dwell in the same House at any time after the publication of this Act, and be thereof convicted, or if any man and woman, who shall hereafter be divorced, or their Marriage declared to be null and void, according to the Law of this Colony, shall Cohabit or Converse together as man and wife, and be thereof convicted, all and every such persons shall suffer the pains and penalties mentioned in an Act made, and passed by this Court, Intituled, *An Act against Adultery, which in and by the said Act, are set and imposed upon such as shall be taken in Adultery.* And it shall be in the power of the Court of Assistants to assign unto any woman so separated, such reasonable part of the Estate of her late Husband, as in their discretion the circumstances of the Estate may admit, not exceeding one third part thereof.

And for preventing of all unlawful Marriages.

Purpose of Marriage to be Published in writing.

It is further Enacted by the Authority aforesaid, That after the Publication hereof, no person shall be joyned in Marriage, before the In-

tentions of the parties proceeding therein, hath been published sufficiently at some publick Lecture, or Town Meeting in the Towns where the parties or either of them do ordinarily reside, or be set up in Writing fairly written upon some post of their Meeting-House door in publick view, there to stand, so as it may be read eight days before such Marriage.

And whereas the power of disposal of Children in Marriage doth reside in the hands of Parents, and that irregular proceedings therein may be prevented.

No motion of Marriage to be made without consent of Parents. 1*ff* offence 5*l*. 2*d*. offence 10*l*. 3*d*. offence Imprisonment.

It is further Enacted by the Authority aforesaid, That whatsoever person shall after the publication hereof, directly or indirectly endeavour to draw away the affections of any Maid in this Colony, upon pretence of Marriage, before he hath obtained liberty and allowance from the Parents, Governours or Guardians; he shall forfeit for the first offence, *Five Pounds*, for the second offence towards the same party, *Ten Pounds*, and for the third offence, upon information or complaint by such Parents or Governours to any Assistant or Justice of the Peace, giving Bond to prosecute the party, he shall be Committed to the Prison, and upon hearing and conviction before the next County Court, he shall be adjudged to continue in Prison, until the Court of Assistants shall see cause to release him.

And as the Ordinance of Marriage is honourable amongst all, so it is meet it should be accordingly solemnized

Magistrates, Justices and Ministers to Marry persons,

Marriage not to be Consummated before published &c.

Penalty 20*l*.

Be it therefore further Enacted by the Authority aforesaid, That no person whatsoever in this Colony, shall joyn any persons together in Marriage, other than a Magistrate, Justice of the Peace, and that within his own County, or Ordained Minister, and that only in the Town where he is Settled in the work of the Ministry; Nor shall any Magistrate, Justice of Peace, or Ordained Minister, presume to joyn any persons together in Marriage, before the parties to be Married have been published according to Law; Or before such Magistrate, Justice or Minister is Certified of the consent of the Parents or Guardians (if any be) of such parties: On pain of forfeiting the Sum of *Twenty Pounds*, one moiety whereof shall be to him or them that shall complain of, and prosecute the same to effect, and the other moiety to the Treasury of the County wherein the offence shall be committed.

Penalty for defacing or pulling down Publishments.

And if any person or persons shall presume to deface, or to pull down any Publishment set up in writing, before the expiration of eight days after the time of its being set up, every such person or persons shall be fined the Sum of *Ten Shillings*, to the use of the poor of the Town where the offence is committed, he or they being thereof legally convicted, before any one Assistant or Justice of the Peace; or be Set in the Stocks one whole hour.

Penalty on Men and Women that shall wear contrary Apparel.

And it is further Enacted by the Authority aforesaid, That if any man shall wear Womans Apparel, or if any woman shall wear mens Apparel, and be thereof duly convicted; they shall be corporally punished, or fined at the discretion of the County Court, not exceeding *Five Pounds*, to the use of the County where the offence is committed, towards the defraying of the County Charges.

Masters and Servants.

Unmarried persons not to keep house.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no man that is neither married, nor hath any Servant, nor is a Publick

lick Officer, shall keep house of himself, without Consent of the Town where he lives, under the penalty of *Twenty Shillings Per* Week.

And that no person under the Government of Parents, Masters or Guardians shall be capable to make any Contract or Bargain, that in Law shall be accounted valid, unless the said person be authorized or allowed so to Contract or Bargain, by his or her Parent, Master or Guardian.

Persons under Guardians not to make Contracts &c. unless,

And that no Servant Man or Maid, shall either Give, Buy, Sell or Change any Commodity whatsoever, without Licence from their Master, during the time of their Service, under pain of fine, or corporal punishment, as the Offence shall deserve, by the Judgment of the Court.

Servants not to trade without License. Penalty.

And whereas some stubborn, refractory and discontented Servants and Apprentices do sometimes withdraw themselves from their Masters Services.

It is therefore further Enacted by the Authority aforesaid, That whatsoever Servants or Apprentices of fifteen years of Age, or upwards, shall offend in that kind, before their Covenants or Term of Service are Expired, they shall Serve their Masters the treble Term, or threefold time of their absence in such kind.

Penalty on Servants Imbezeiling their time.

And when any Servant or Servants shall run from their Masters, or any other Inhabitants shall privately go away, with suspicion of ill intentions, it shall be lawful for the next Assistant or Justice of the Peace, or Constable, and two of the chiefest Inhabitants in such Town where is no Assistant or Justice of Peace to Press men, and Boats or Pinnaces (if occasion be) at the Publick Charge, to pursue such person or persons by Sea or Land; and to bring them back by force.

Servants running away to be pursued.

And it is further Enacted by the Authority aforesaid, That if any Servant shall flee from the tyranny or cruelty of his or her Master, to the House of any Inhabitant of the same Town whereto he belongs, he shall there be protected and sustained, till due Order be taken for his Relief. *Provided* due notice thereof be forthwith given to his Master from whom he fled, and to the next Magistrate or Constable where the party so fled is harboured.

Servants flying Masters cruelty to be relieved.

And no Apprentice bound for the learning of a Trade, shall be put off by his Master for above a year to any other person, neither in the Life-time of the Master, nor after his Death by his Executors or Administrators; unless it be by consent of Authority Assembled in some Court, or two Assistants, otherwise all and every such Assignment to be void in Law.

No Apprentice to be Assigned out for above one year.

Measures and Weights.

TO the End that Measures and Weights may be one and the same throughout this Colony,

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That each County in this Colony, shall at their own proper Charge within the space of six months next after the Publication hereof, procure sufficient Weights and Measures for their County, approved and tryed by the Colony Standards at *Hartford*, to be preserved and kept in the several and respective County Towns as Standards for the said Countys, and within nine months each Town, shall procure from the County Standards, Standards for themselves, both of Weights and Measures, and all Weights and Measures that are

Each County to have Standards.

Every Town to have Standards.

Improved by particular persons, shall be tryed by the Town Standards where they dwell, within ten months next after the Publication hereof; And whosoever shall after the Expiration of the said ten months next after the Publication hereof, make use of any Weights or Measures that are not proved and tryed by the Standards in their respective Town, shall forfeit *Five Shillings* for every such default to the Treasury of the County, wherein the Offence is committed.

Penalty for using unsealed Weights or Measures.

And it is further Enacted by the Authority aforesaid, That the Inhabitants of each Town in this Colony, shall choose one of their able and discreet Inhabitants, to be a Sealer of Measures and Weights for their Town, who shall by the next Assistant or Justice of the Peace be Sworn to a faithful attendance of the same, who shall have *Two pence* for each Weight or Measure he Seals; and no Weight or Measure shall be accounted authentick that is not Sealed and approved by the said Sealer.

Every Town to have a Sealer Sworn.

Sealers Fees.

And it is further Enacted by the Authority aforesaid, That the Sealers of Weights and Measures in the respective Towns, shall once in every year Seal the several Weights and Measures that are used in their Town: for which Service they shall have a *Penny* for each Weight and Measure Sealed by them, to be paid by the Owners thereof, after the first Sealing: and all such Weights and Measures as cannot be brought to be equal with the just Standard, the said Sealers shall deface or destroy.

Measures and Weights to be Sealed once in every year.

And be it further Enacted by the Authority aforesaid, That it is, and shall be in the power of every Sealer, some time in the Month of *April* yearly, to appoint a time and place where he will Try the Weights and Measures, and to give publick notice thereof to the Inhabitants of their respective Towns, to bring in their Measures and Weights to be Tryed; and whatsoever person shall neglect to bring his Weights and Measures to be tryed the time prefixed by the Sealer, being thereunto warned, he shall forfeit *Three Shillings*, the one half whereof shall be to the Sealer, the other half to the publick Treasury, which the Sealer shall have power to Levy by distress from time to time; And every Sealer that shall neglect his Duty required in and by this Act, shall forfeit and pay the Sum of *Forty Shillings* for every such default to the County Treasury.

Sealers to appoint the time when they will try Weights, &c.

Penalty for neglect to bring in Weights and Measures.

Penalty for Sealers neglect.

Militia.

WHEREAS for the Honour and Service of His Majesty and for the Security of this His Majesties Colony against any Violence or Invasion whatsoever, it is necessary that due care be taken that the Inhabitants thereof be Armed, Trained, and in a suitable posture and readiness for the ends aforesaid, and that every person may know his Duty, and be obliged to perform the same.

Be it therefore Enacted by the Governour, Council and Representatives in General Court Assembled, and it is Ordained and Enacted by the Authority of the same,

1. That all Male persons from sixteen years of Age, to Sixty, (Except Magistrates, Justices of Peace, the Secretary, Church Officers, allowed Physicians, Chyrurgeons, School-Masters, Representatives or Deputies for the time being, one Miller to each Grist Mill, constant Herdsmen, and Mariners, who make it their constant business to go to Sea, Sheriffs, Constables, constant Ferry-men, lame persons, or otherwise disabled in Body (pro-

Persons lyable to Train.

Persons exempted from Training.

(producing Certificate thereof from two able Chyrurgeons) Indians and Negroes shall bear Arms, and duly attend all Musters and Military Exercises of the respective Troops and Companies where they are Listed or belong.

Foot Souldiers how to be Armed.

2. That every Listed Souldier, and other Housholder in this Colony, (except Troopers) shall be always provided with, and have in continual readiness, a well fixed Firelock Musket, of Musket or bastard Musket bore, the Barrel not less then three foot and an half long, or other good Fire Arms to the satisfaction of the Commission Officers of the Company to which he doth belong, a Collar with twelve Bandileers, or Cartouch Box, or other suitable provision instead thereof, to the acceptance of the Chief Military Officer, One Pound of good Powder, and Four Pounds of Bullets fit for his Gun, Twelve Flints, a good Sword or Cutlash, a Worm and Priming Wyer fit for his Gun, on penalty of *Six Shillings* for want of such Arms as is hereby required, and *Two Shillings* for either of the defects; the like Sum for every four Weeks he shall remain unprovided: the fines to be paid by Parents for their Sons under age of Twenty One Years, and under their Command; and by Masters or Heads of Families for their Servants, other than Servants upon Wages.

Troopers how to be Furnished.

3. That every Trooper shall be always provided with a good serviceable Horse of *Five Pounds* value, and not less then fourteen hands high, (the same to be determined by the two chief Commission Officers) covered with a good Saddle, Bit, Bridle, Holsters, Pectoral, and Crooper, and furnished with a Carbine, the Barrel not less then two foot and half long, with a Belt and Swivel, a Case of good Pistols, with a Sword or Cutlash, a Flask, or Cartouch Box, One Pound of good Powder, Three Pound of sizeable Bullets, Twenty Flints, and a good pair of Boots and Spurs, on penalty of *Ten Shillings* for want of such Horse as is hereby Ordered, and *Three Shillings* a piece for every other defect; and the like Sum for every six weeks he shall remain unprovided. And that each Trooper List his Horse, and shall not dispose thereof without the consent of his Chief Officer, on the penalty of *Five Pounds*; and for Non-appearance at the time and place appointed for Exercise, every Listed Trooper for each days neglect, shall pay *Eight Shillings* fine.

How persons unable to purchase Arms may be provided.

4. That if any person who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such means as he hath, if he shall bring to the Clerk so much Corn, or other Merchantable and Vendable Goods, as by apprizement of the Clerk, and two of the Company, whereof one to be Chosen by the Clerk, and the other by the party, shall be judged of a greater value by a fifth part, then such Arms and Ammunition is of, he shall be excused from the penalty of want of Arms, (but not for want of appearance) until he be provided for; and the Clerk shall endeavour to furnish him with Arms and Ammunition as soon as may be, by Sale of such Goods so deposited, rendering the Over-plus to the party: But if any person be not able to provide himself Arms and Ammunition, through his meer poverty, if he be single, he shall be put to Service by any one Assistant or Justice of Peace, to procure him Estate wherewith to purchase Arms and Ammunition, and his Master shall find him Arms and Ammunition, during his time of Service: but if the person be Married, and judged by the Select men of the Town whereto he belongs, to be unable to buy Arms, or lay down the value proposed, then he shall be provided for out of the Town Stock, or by Arms procured at the Town Charge, until he be judged able to provide for himself; and such Arms to be under the care of the Chief Officer, or the Select-men of the Town.

Each Company to choose a Clerk.

5. That each Company and Troop, shall choose some suitable person of their Company, to be Clerk, who shall be Sworn to a faithful discharge of his place and Office, before some Assistant or Justice of the Peace; and whosoever being chosen as aforesaid, shall refuse to accept of the said Office of Clerk, and to take the Oath appointed for him, he shall pay as a Fine for such refusal, the Sum of *Forty Shillings*, to the use of the Company or Troop to which he belongs, and another to be chosen in his room: and all that shall refuse the place and office, and to take the Oath appointed, (being thereunto chosen as aforesaid) shall pay *Forty Shillings* a piece, till one doth accept the place, and he that shall accept, and hold the said Place and Office, shall have a fourth part of the fines for his labour; and for all fines the Clerk may distrain *Ex Officio*; which fines are to be improved for the benefit of the Company, to purchase Drums, Colours, Trumpets and Banners, and other things necessary, by Order of the Chief Military Officers, and the Clerk to account with the Chief Officers at ten days warning.

Penalty for refusing to serve as Clerk.

Clerks Allowance.

Penalty on Captains not Training four days in each year.

6. That every Captain or Chief Officer of any Company, or Troop, shall be obliged on penalty of *Five Pounds* to draw forth his Company or Troop, or cause him to be drawn forth four days in the year, to Exercise them in the use of Arms, and Motions, and Shooting at Marks, or other Military Exercises; which every person liable to Train, having been duly warned and not appearing and attending the same, shall for each days neglect, pay a fine of *Three Shillings* in Corn or Money.

Penalty on persons neglecting to Train.

View of Arms.

7. That the Chief Officer of every Company and Troop, shall cause the Arms and Ammunition of all under his Command, and also all others dwelling within his Precincts, to be viewed at least once in every year, by appointing such persons to bring forth their Arms and Ammunition at such time and place as he shall order; or by sending the Clerk to their respective Habitations; and if any person shall not appear according as he is warned as aforesaid, he shall pay as a fine *Three Shillings* for Non appearance, and *Six Shillings* for deficiency in Arms and Ammunition; except such person shall within twelve days appear, and make a rational excuse for his Non appearance when warned; and also shew his Arms and Ammunition to the Clerk, or Chief Military Officer; and avouch them to be his own.

Penalty on Clerk not attending on Training days.

8. That the Clerk of every Company or Troop, shall upon every of their respective Training Days, give his attendance in the Field with his Sword by his side, to call over the Rolls of the Souldiers, and to take notice of their defects by their absence or otherwise; upon penalty of forfeiting *Five Shillings* (except he hath special leave from the Chief Military Officer to be absent) and every such Clerk shall take an exact List of all the Souldiers within his limits, twice in every year at least.

Persons to attend Duty where listed till orderly dismist.

9. That every person Listed in the Troop, or any Foot Company, shall so continue and attend all Duty in such Troop or Company, or otherwise suffer the penalty of Law provided, until orderly dismist, or removed out of the Town or Precinct; and in case of removal into the limits of another Company, to produce a Certificate under the hand of the Chief Officer of the Precinct whereto he is removed, that he is Listed there; and that if any person liable to be Listed as aforesaid, do Exempt himself by shifting from place to place, to avoid being Listed, he shall pay as a fine to the use of the Company to which he belongs, for every such offence *Ten Shillings*; and if any person shall withdraw himself from the Company to which he belongs, not having a Certificate under the hand of the Chief Military Officer, or leave from the County Court in that County where

Penalty on such as shall Shift to avoid Listing.

Penalty on such as withdraw without Certificate.

where; he Lives, and get listed into any another Company or Troop, he shall pay as a fine to the use of the Company from which he withdrew himself without Certificate, the Sum of *Forty Shillings*, being thereof convicted before any one Assistant or Justice of Peace.

Commission Officers power.

10. That the Commission Officers of any Company, or the major part of them, may order the correcting and punishing disorders, and contempt on Training days, or on a Military Watch; the punishment not being greater than laying Neck and Heels, riding the wooden Horse, or *Twenty Shillings* fine.

Treasurer to provide stock of Ammunition for the Colony.

11. That the Treasurer for the time being, and at all times hereafter, shall, at the publick charge of this Colony, procure, keep and maintain, a Magazine of Powder and Shot, to be ready for the use of the Colony as occasion may call for the same; and for the quantity thereof, he is to take his direction from time to time of the Governour and Council.

Town stock of Ammunition.

12. That there shall be a stock of Ammunition in each Town in this Colony, provided and kept, and from time to time, as there is need, renewed by the Select men; which shall be a Barrel of good Powder, two hundred Weight of Bullets, and three hundred Flints, for every Sixty Listed Souldiers: and after that proportion, for the Listed Souldiers in each Town, whether more or less. Also that the Select men procure such a number of Arms, and so much Ammunition, as shall be made appear to the chief Commission Officers of each Company in the several Towns, to be needful for the supply of such Poor, as by Law they are to provide for. And such Town as cannot make it appear to the chief Commander of the Regiment, that they are thus provided within three months next after the Publication hereof, shall pay *Five Pounds* fine; which shall be distrained by Warrant from said Officer, directed unto the Constable upon the Select-men of the Town, or any of them; and disposed of for the use of the said Town, toward the supply of such Stock: and the like Sum for every three months they shall remain so unprovided, and the Serjeant Major of every Regiment shall discharge the trust committed to him by this Act, on penalty of *Ten Pounds* fine for every neglect of his duty, required in and by this Act, to be paid to the County Treasury.

Penalty for being unprovided.

Penalty on Majors neglect of Duty.

Commission Officers to be Established by the General Court.

13. That all Commission Officers shall be Established by the General Court, and Commissionated by the Governour; and none but such as the General Court doth confirm, shall be deemed Commission Officers; and the several County Courts in this Colony, shall be, and are hereby Impowred to Establish Serjeants of the Foot, and Corporals of the Troop, as there shall be occasion from time to time, for the respective Companies within their Counties: and the Souldiers of the several Companies have liberty to nominate their Officers to the Court for Confirmation.

Serjeants and Corporals by County Courts.

Liberty of Choice.

14. That all persons Exempted by this Act from Training, shall notwithstanding be provided with Arms and Ammunition compleat, upon the same penalty as those that are obliged to Train; to be viewed by the Chief Commission Officers Order, in whose Precincts such persons shall reside.

All persons Arms to be viewed.

15. That there shall be a Serjeant Major appointed in each County in this Colony, (by the General Court) who shall have the Command of all the Regiment of Souldiers within his County, who shall be Sworn to a faithful attendance of his Commission according to Law; which Major shall have power once in four years, to draw forth his Regiment to Exercise them in the use of their Arms, according to the rules of Military Discipline: and the said Serjeant Majors are hereby Impowred, to call the Commission Officers of their respective Regiments together, (when they shall see meet) to consider of the best way of managing their Military Affairs.

Majors power.

Governour to be General.

16. That the Governour of this Colony for the time being, shall be the General of all the Military Forces within this Colony.

Three dayes warning to be given to Train and how and when.

17. That the Chief Commission Officer of each Company and Troop, shall appoint the days of Training, and the Souldiers shall have three days warning; which warning shall be given by the Clerk of the respective Bands and Troops; or by some other way agreed on by the Company: the days of Training to be in some, or either of the Months of *March, April, May, September, October* or *November*.

Military Officers freedom.

18. That the Captain, Lieutenant, Ensign, Cornet, Quarter Master, and Clerk of every Company, and Troop, are, and shall be freed from watching and Warding; and the Serjeants of Foot Companies, and the Corporals of Troops from Warding, and half their watch.

And in consideration of the good Service of such Commission Officers and Serjeants, as have been in Office and Place, in the late War with the French *and* Indians.

A freedom granted to Officers in the late War.

19. That all such as have been Commission Officers or Serjeants in the said late War, shall be, and are by this Act freed from Training as private Souldiers or Centinels; and are required only to be present at all Trainings of the respective Company, within whose Precincts they live, with their Swords; who shall (when the chief Military Officer of that Band desires them) attend the Exercise in such place, or office as they have served in; unless themselves shall choose to fall into the same Capacity that they were in before the said Wars; and if any such Officer as aforesaid, shall refuse or neglect, to be present at the several Trainings, and attend the desire of the chief Officer as aforesaid, they shall be liable to the same fine as others are liable to; and all such Officers are and shall be freed from half their Watch, and half their Ward, only in times of peace.

Penalty for their neglecting Trainings.

Military Officers power in sudden Exigences.

20. That when there shall fall out any sudden Exigency, in any Town or Plantation in this Colony, by assault of Indians, or any other Enemy, to the disturbance and hazard of the publick Peace, in every such case, it shall be lawful for, and in the power of the Chief Commission Officer or Officers of such place so disturbed, to require and call forth all the Souldiers under his or their Command, and to martial, order and dispose them, as the present occasion shall require, to defend the place assaulted, and to Quit the Enemy; and if need require to assist a Neighbour Town or Plantation in any extremity or exigency as aforesaid, such Officer or Officers giving an account of what he or they shall so do in the case, to the Serjeant Major of his or their County, for receiving his further direction. And the Serjeant Majors shall be, and are hereby impowred in the Counties whereto they respectively do belong, to direct, order, regulate and improve the Militia in such County, as he shall see cause, for the defence of the County, and quitting the Enemy; and therein to take advice of the Assistants if it can be had, and to give an account of his proceedings from time to time, to the General Court, or to the Governour and Council.

What Officers every Company is to have.

21. That in every Train Band where there is Sixty Four Souldiers, besides Officers, they shall have liberty to have a Captain, Lieutenant, Ensign and four Serjeants: and where there are thirty two Souldiers, they shall have a Lieutenant and Ensign, and two Serjeants: and where there are but twenty four Souldiers, they shall have but two Serjeants.

22. That the Serjeant Major in each County respectively, shall see that each Commission Officer of the respective Companies within his limits, do cause a thorow viewing of Arms and Ammunition in their Precincts; and

and do make return thereof to himſelf, how all the Souldiers in their Companies are provided: and when there is any failure in any of the ſaid Officers of viewing Arms and Ammunition, or making return thereof, that then the Serjeant Major cauſe a viewing of Arms and Ammunition, in ſuch place or places as were before neglected, that thereby he may be informed, how every Company in his Regiment are provided; and this to be done once in every year at leaſt, on penalty of *Twenty Shillings* fine, for any Chief Commiſſion Officer in any Town, that ſhall neglect the ſame: and in caſe the Serjeant Major ſhall neglect his duty herein, he ſhall pay as a fine to the County Treaſury, the Sum of *Five Pounds*.

Major to ſee the viewing of Arms be attended through out the County Penalty 5*l*.

23. That where the fines will not reach to maintain and provide Drums, Halberts and Colours, there ſhall be ſuch allowance that is wanting, had from the Town whereto the reſpective Companies belong, to procure and maintain the ſame; and ſuch perſons as are imployed for Drummers, ſhall attend that Service, on penalty of *Five Shillings* fine for each days abſence: and every Drummer finding himſelf a Drum, ſhall have for his Service *Five Shillings* a day. *Provided* always, that this Act ſhall not hinder any agreement made, or to be made between any Company, and their Drummer or Drummers.

Drums, Colours *&c.* how to be provided.

24. That where there ſhall be liberty granted by this Court, to any Town in this Colony, for the having two or more Companies, there ſhall be as equal a diviſion made of the Souldiers in ſuch Town as may be; Except where any Company or Companies are already divided and ſettled by agreement, which ſettlement and diviſion, is to ſtand accordingly.

Where 2 Companies are the Souldiers to be equally divided.

25. That no Clerk *Ex Officio*, ſhall make diſtraint for any fine, until twelve days after the offence is committed, that ſo the party may have opportunity to make excuſe if he have any, to two of the Chief Officers, and give his reaſons why he ſhould not pay the fine; and if the ſaid two Chief Officers, ſhall give a Certificate to the Clerk for the abatement of ſuch fine, ſuch Certificate ſhall be a ſufficient clearing for any perſon obtaining the ſame: and every Clerk that ſhall refuſe or neglect to account, or make payment, as by this Act is provided, ſhall by the Chief Officers Warrant directed to the Conſtable, be diſtrained on for ſo much as he hath, or ſhould have collected, or diſtrained for.

12. days allowed to make excuſe for not Training.

Clerks neglect Penalty.

26. That thoſe who live in ſeveral Companies, in Farms remote from the Town whereto they belong, ſhall have liberty to keep one man in each Quarter at home (upon every Training Day) that is of Age to bear Arms. *Provided* that one man ſhall keep home but one Training day before the reſt have taken their turns, and that thoſe that ſo ſtay, ſhall keep and maintain ſufficient Arms for themſelves according to Law. And where any one Farm is diſtant from the ordinary place of Training in ſuch Town whereto the ſame belongs ſix miles, and diſtant alſo half a mile from any Neighbours, in every ſuch Farm one in like manner may remain at home, for the ſafety of the place.

Liberty to Farmers to keep at home one man on all Training days.

For the maintaining and carrying on of Military Watches, in time of War and Danger.

27. That the Commiſſion Officers in each Town in this Colony, ſhall take due care that ſuch Watch be equally and in proportion managed; and that every Male perſon, from ſixteen years of Age and upwards, (except Aſſiſtants, Juſtices of the Peace, Miniſters, Impotent men which are uncapable, Indians, Malatto's and Negroes) ſhall Serve on the Military Watch, and all perſons who are abſent at Sea, their Eſtates to provide a man in their ſtead and place, when the turn of Watching comes to ſuch Family or Houſe: and all aged or weak perſons,

Military Watches.

Who are Exempted.

ſons, and Widdows, whoſe Eſtate in the Liſt amounteth to the Sum of *Fifty Pounds*, ſhall provide a perſon to Watch when their turn comes as aforeſaid; and all breaches of this Order are puniſhable by the Commiſſion Officers, and that all perſons able of Body, or that are of Eſtate, (and not exempted by Law) ſhall by themſelves, or ſome meet perſon in their ſtead to the acceptance of the Commander of the Watch, attend the ſame, on penalty of *Five Shillings* for each defect, there having been due warning given. And that there may be ſuch Supplies as is neceſſary for the comfortable carrying on the Military Watch, the Commiſſion Officers ſhall provide a ſuitable houſe to keep a Court of Guard, with Fire wood and Candles, as there ſhall be need; the Charges whereof ſhall be defrayed by the reſpective Towns.

Penalty for neglect.

Wood &c. to be provided.

The Charge to be given to the Military Watch.

IN His Majeſties Name you are required faithfully to attend the Watch, by Walking or Standing in ſuch places, where you may beſt diſcover danger by the approach of an Enemy, or by Fire; which if you diſcover, you are to give notice thereof by firing your Guns, and crying, Fire, Fire, or Arm, Arm: You are to Examine all ſuch perſons as you ſhall meet unſeaſonably, and upon your ſeeing of them, you are to Command them to Stand twice, which if they do not, you are to Command them to Stand upon their peril, which if they refuſe to do, or oppoſe you, or flee from you, you are to fire at them, but fire low, unleſs you judge them to be Enemies: and all ſuch perſons as you ſhall find Walking, or abroad unſeaſonably, that do not give you a good account of their occaſions, you are to bring to the Court of Guard, to be ſecured till the morning, and conveyed to the next Authority to be Examined, and diſpoſed of according to Law: and you are to give notice to the next in turn, to Watch the night following.

Charge to be given to the Military Watch

28. All fines, penalties and forfeitures ariſing by virtue of this Act, or any breach thereof, (not otherwiſe diſpoſed of therein) ſhall be for the uſe of the Company, or Troop reſpectively. *That is to ſay*, for the procuring and maintaining Drums, Trumpets, Colours, Banners, Halberts, paying of Drummers and Trumpeters, or other Charge of ſaid Company, by direction of the Commiſſion Officers of ſuch Companies.

Fines and forfeitures how to be diſpoſed.

Mills and Millers.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That each Miller in this Colony, or the Owners of Griſt Mills, ſhall be allowed three quarts out of each Buſhel of Indian Corn he Grinds, and for other Grain two quarts out of each Buſhel he Grinds, and one quart out of each buſhel of Malt he Grinds, and no more; and if any Miller ſhall preſume to take or receive a greater Toll or Fee for Grinding, than is herein allowed him as aforeſaid, he ſhall forfeit and pay the Sum of *Ten Shillings*, for each time he ſhall be Convicted of any breach of this Act, one half whereof ſhall be to the Complainer that ſhall proſecute his Complaint to effect, and the other half to the poor of the Town, wherein the Offence ſhall be committed.

Millers allowance for grinding.

Penalty for taking more than is allowed

And it is further Enacted by the Authority aforeſaid, That there ſhall be provided for every Griſt Mill within this Colony, (by the Owners of ſaid Mills) ſealed Meaſures; One of a pint, one of a quart, and

Mills to be provided with ſealed toll diſhes.

and one of two Quarts, for their Toll Meaſures, with an Inſtrument to ſtrike the ſaid Meaſures, when Toll is taken of all Corn that is brought ſtricken meaſure.

An Act for the Settlement and Support of Miniſters.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from and after the publication hereof, the ſeveral Towns and Plantations in this Colony, ſhall pay unto the reſpective Miniſters in the ſaid Towns or Plantations for the time being, who diſpenſe the Goſpel in the ſaid Plantations, and are according to the Laws of this Colony Settled, or Called to Preach the Word there, annually the ſeveral Sums or Payments which are or ſhall be agreed upon by the ſeveral Towns, Plantations or Societies, and the Miniſters in them, according to their agreements, both for the Speciæ and for the valuation thereof, which Sums or Payments in each Town or Society ſhall be levied and aſſeſſed on the ſeveral Inhabitants in each Town or Plantation, according to their reſpective Eſtates from time to time, as they ſhall be ſet in the general Liſt or Liſts of the Perſons and Eſtates of the Inhabitants of each Town or Plantation; which ſaid ſums or payments ſhall be collected by ſuch perſon or perſons, as the reſpective Towns or Societies ſhall from year to year Chooſe and appoint for that end: and if any Town or Towns, or Societies ſo concerned, ſhall neglect to chooſe and appoint yearly ſuch Collector or Collectors, it ſhall be the duty, and in the power of the Aſſiſtant or Juſtice of the Peace, next reſiding to the Town, Towns or Society ſo neglecting to appoint and impower by his Warrant, ſuch Collector or Collectors as he ſhall ſee fit. And if any perſon ſo aſſeſſed as aforeſaid, being demanded the ſaid payments aſſeſſed on him or them, ſhall refuſe or neglect to pay in the ſame, in time and place appointed by the ſaid Collector or Collectors, then upon Certificate thereof, from the ſaid Collector or Collectors to the next Aſſiſtant or Juſtice of Peace, the ſaid Aſſiſtant or Juſtice of Peace, ſhall iſſue forth his Warrant to the Conſtable or Conſtables of the Town, or to the Collectors, where ſuch neglect of payment ſhall be, to diſtrain the ſame payment or payments, out of the Eſtate or Eſtates of the perſon or perſons ſo refuſing or neglecting to pay, with ſuch additions for the diſtraining, and in ſuch manner as ſhall be from time to time lawful to uſe in Collecting the County Rates, and that no Replevin ſhall be granted thereupon. *Always Provided*, That if any perſon or perſons, ſhall be aſſeſſed more then his or their proportion, they ſhall have remedy by the County Court of that County whereto he or they do belong, upon proof made thereof.

Contracts and agreements to be made good.

Collectors to be choſen in each Society or in caſe of neglect to be appointed, &c.

Diſtreſs to be made on perſons neglecting to pay their Rates.

Proviſo.

And it is further Enacted by the Authority aforeſaid, That where any Town, Plantation or Society within this Colony, ſhall have made and determined no agreement with their reſpective Miniſter, or Miniſters, for the Sum of their yearly Maintainance, and the Miniſter or Miniſters of ſuch place or places do find themſelves agrieved by too ſcanty allowance of the ſaid Town, Plantation or Society to which they belong, that then every ſuch Miniſter, making his application to the General Aſſembly of this Colony, ſhall (by the ſaid General Aſſembly) have ordered unto him, a ſuitable and ſufficient Maintainance to be given him by the Inhabitants of the Town or Society whereto he belongs.

Neglect of ſuitable proviſion for Miniſters to be redreſſed by the General Court.

Towns deſtitute of a Miniſter to pay a Rate as the General Court ſhall appoint.

And be it further Enacted by the Authority aforeſaid, That if any of the Towns of this Colony ſhall be, in or for any year or years without a Miniſter Preaching the Goſpel to them, ſuch Town or Towns ſhall in the ſaid year or years pay the ſum or payment that the General Court ſhall appoint, as if there were a Miniſter there; of which payment or payments the Collector or Collectors reſpectively ſhall make Certificate to the next County Court of that County, where ſuch Collection ſhall be made: which ſaid County Court ſhall diſpoſe and improve the ſaid Sums, for the uſe of the Miniſtry in that Town where it is Collected, as ſoon as opportunity can be had for it, according to the diſcretion of the ſaid Court.

The Miniſter choſen by the major part of the Houſe-holders of any Town, to be the Miniſter of ſuch Town.

And it is further Enacted by the Authority aforeſaid, That in every Town, Plantation and Society within this Colony, where the major part of the Houſholders of the ſaid Town, Plantation or Society, (who by Law are an allowed Society,) are agreeing in the calling and ſettling of a Miniſter, ſuch Miniſter ſo called and ſettled, ſhall be the Miniſter of ſuch Town, Plantation or Society: And all agreements reſpecting the ſettlement and maintainance of ſuch Miniſter, made by the major part of the Houſholders of ſuch Town, Plantation or Society as aforeſaid, ſhall be binding and obliging to all the Inhabitants of ſuch Town, Plantation or Society, and to their Succeſſors, according to the true intents and purpoſes thereof.

In what caſe perſons are bound to pay to the Miniſters of the Society within whoſe Limits they live.

And further it is Enacted by the Authority aforeſaid, That where this Court hath determined the bounds and limits of any Society in any Town or Plantation in this Colony, (where there are more than one Society) that in every ſuch place, all perſons living within thoſe bounds and limits, and their Eſtates lying within the ſame, ſhall bear their proportion of, and be ratable according to Law, for the ſupport and maintainance of the Miniſter of that Society: Any Law, Uſage or Cuſtome to the contrary in any wiſe notwithſtanding.

Mines and Minerals.

FOR the Encouragement of ſuch as ſhall lay out themſelves upon the diſcovery of Mines or Minerals, for the Publick Good.

It is Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That whoſoever ſhall Expend their time or Eſtate upon ſuch Diſcoveries, and purchaſe them for the Colony, he or they ſhall be honourably rewarded (out of what he doth diſcover) for the ſame.

Monopolies.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be no Monopolies granted or allowed in this Colony, but of ſuch new Inventions as ſhall be judged profitable for the Country, and that for ſuch time as the General Court ſhall judge meet.

An Act to prevent unſeaſonable Night Walking.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſons young or old within this Colony, that are under Parents or Maſters government, or any Boarders or Sojourners, ſhall conveen or meet together, or be Entertained in any Houſe, without the conſent or approbation of their Parents or Governours, after nine of the Clock at Night, any longer than to diſcharge what buſineſs they are ſent about, or if any perſons ſhall be diſcovered to meet together, and aſſociate themſelves in Company or Companies in Streets or elſe-where after the time aforeſaid, or ſhall make any rout or diſorder at any other time, each perſon that ſhall be legally convicted thereof, ſhall forfeit *Ten Shillings* for every ſuch offence, and for want of payment, ſhall be Set in the Stocks, not exceeding two hours; and the Head of the Family that entertains or tollerates them in his or her houſe, ſhall forfeit *Ten Shillings*, or Sit in the Stocks as aforeſaid. All fines ariſing for the breach of this Act, ſhall be one half to the Complainer, and the other half to the Treaſury of the Town where the Offence is committed; any one Aſſiſtant or Juſtice of the Peace, to hear and determine the ſame.

Penalty for Night-walking 10 s.

No perſons to Entertain Night-walkers, Penalty 10 s.

An Act to prevent the Running away of Indian and Negro Servants.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That whatſoever Negro or Indian Servant or Servants ſhall at any time after the publication hereof, be found wandring out of the Town bounds, or place to which they belong, without a ticket or paſs in writing under the hand of ſome Aſſiſtant or Juſtice of Peace, or under the Hand of the Maſter or Owner of ſuch Negro or Indian Servant or Servants, ſhall be deemed and accounted to be Runaways, and every perſon Inhabiting in this Colony, finding or meeting with any ſuch Negro or Indian Servant or Servants, not having a Ticket as aforeſaid, is hereby impowred to ſeiz and ſecure him or them, and bring him or them before the next Authority, to be Examined, and returned to his or their Maſter or Owner, who ſhall ſatisfie the Charge accruing thereby, and all Ferry-men within this Colony are hereby required, not to ſuffer any Indian or Negro Servant, without Certificate as aforeſaid, to paſs over their reſpective Ferrys, by aſſiſting of them therein directly or indirectly, on penalty of paying a fine of *Twenty Shillings* for every ſuch offence to the County Treaſury, to be levied on their Eſtates upon Non-payment, by Warrant from any one Aſſiſtant or Juſtice of Peace, and the like methods ſhall or may be uſed and obſerved as to vagrant or ſuſpected perſons, found wandring from Town to Town, having no Certificate as aforeſaid, who ſhall be ſeized and conveyed before the next Authority, to be Examined and diſpoſed of according to Law: And if any free Negroes ſhall travell without ſuch Certificate or Paſs, and be ſtopped, ſeized or taken up, they ſhall pay all Charges ariſing thereby.

Indian and Negro Servants travelling without a paſs may be ſeized by any perſon.

Ferry-men not to tranſport ſuch. Penalty 20 s.

Vagrant and ſuſpected perſons to be ſeized.

An Act for the Eſtabliſhing Forms of Oaths.

IT is Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the ſeveral Forms of Oaths here following, be, and hereby are Eſtabliſhed, to be Given and Adminiſtred unto the reſpective Officers for whom they are appointed, as followeth, *viz.*

The Oath of Fidelity.

I *A. B.* Being by the Providence of God an Inhabitant within the Colony of *Connecticut*, Do freely and ſincerely acknowledge my ſelf to be ſubject to the Government thereof, and do Swear by the Ever living God, that I will be true and faithful unto the ſame, and will accordingly as in Duty I am bound, yield aſſiſtance thereunto with my perſon and Eſtate, and alſo will truly endeavour to maintain and preſerve all the Liberties and Priviledges thereof, ſubmitting my ſelf to the wholſom Orders and Laws made and Eſtabliſhed by lawful Authority: and further, that I will not plot or practice any evil againſt it, or conſent to any that ſhall ſo do, but will timely diſcover the ſame to lawful Authority here Eſtabliſhed, for the ſpeedy prevention thereof. *So help me God.*

The Freemans Oath.

YOU *A. B.* Being by the Providence of God an Inhabitant within the Colony of *Connecticut*, and now to be made free of the ſame, do acknowledge your ſelf to be ſubject to the Government thereof, And do Swear by the Ever-living God, to be true and faithful unto the ſame, and ſubmit both your perſon and Eſtate thereunto, according to all the wholſome Laws and Orders that are, or hereafter ſhall be there made and eſtabliſhed by lawful Authority, according to the Tenor of the Charter Granted to this Colony; and that you will neither plot nor practice any evil againſt the ſame, nor conſent to any that ſhall ſo do, but will timely diſcover the ſame to lawful Authority here Eſtabliſhed, and that you will, as in your Duty you are bound, maintain the Honour of the ſame, and of the lawful Magiſtrates thereof, promoting the publick good of it whilſt you ſhall ſo continue an Inhabitant there; and whenſoever you ſhall give your Vote or Suffrage touching any matter which concerns this Colony, being called thereunto, you will give it, as in your conſcience you ſhall judge may conduce to the beſt good of the ſame, without reſpect of perſons, or favour of any man. *So help you God.*

Governours Oath.

YOU *J. W* Now Choſen to be Governour over this Colony of *Connecticut* for this Year Enſuing, and until a New be Choſen and Sworn, do Swear by the Ever-living God, to promote the publick good and peace of the ſame, according to the beſt of your skill, and alſo you will maintain the lawful priviledges of this Colony; as alſo that all wholſome Laws and Orders that are, or ſhall be made by lawful Authority here Eſtabliſhed, conſonant to our Charter, be duly Executed, and will further the Execution of Juſtice for the time aforeſaid, according to the rules of Gods Word, and the Laws of this Colony. *So help you God.*

Deputy Governours Oath.

YOU *R. T.* Now Choſen to be Deputy Governour over this Colony of *Connecticut* for this Year Enſuing, and until a New be Choſen and Sworn, do Swear as in the Governours Oath, *Mutatis mutandis.*

YOU

YOU *S. W.* Being Choſen an Aſſiſtant over this Colony for the Year Enſuing, Do Swear by the Ever-living God, to promote the publick good and peace of the ſame, according to the beſt of your skill; and that you will maintain all the lawful priviledges thereof, according to your underſtanding; and alſo aſſiſt in the Execution of all ſuch wholſome Laws and Orders as are, or ſhall be made by lawful Authority here Eſtabliſhed, conſonant to our Charter, and will further the Execution of Juſtice for the time aforeſaid, according to the righteous rules of Gods Word, and the Laws of this Colony. *So help you God.* Aſſiſtants Oath.

YOU *J. H.* Swear by the Name of the Ever-living God, that as Juſtice of the Peace in the County of *H.* according to the Commiſſion given you, you ſhall diſpence Juſtice equally and Impartially in all Caſes, and do equal right to the Poor and to the Rich, after your beſt skill and power, and according to Law; and you ſhall not be of Council in any Quarrel that ſhall come before you: You ſhall not Lett for Gift or other Cauſe, but well and truly you ſhall do your Office of Juſtice of the Peace, taking only your appointed Fees; and you ſhall not direct, or cauſe to be directed, any Warrant (by you to be made) to the partys, but you ſhall direct your Warrant to the Sheriff, his Under-Sheriff or Deputy, Conſtable, or other Officer proper for the Execution of the ſame in the County, or to ſome indifferent perſon; and this you ſhall do without favour or reſpect of perſons. *So help you God.* Juſtice of Peace Oath.

WHereas you *J. B.* are Choſen to the Office of Serjeant Major of the Regiment within the County of *H.* according to your Commiſſion, you Swear by the Ever-living God, that according to your beſt skill and ability, you will faithfully diſcharge the truſt committed to you, and according to ſuch Commands and directions as you ſhall receive from time to time, from the General Court, and Governour and Council, and according to the Laws and Orders of this Colony, made and eſtabliſhed in this behalf. *So help you God.* Majors Oath.

YOU *J. W.* Being Choſen Treaſurer for the Colony of *Connecticut* for the year Enſuing, and until a New be Choſen, Do Swear, that you will according to the beſt of your skill, attend the place and Office of a Treaſurer for this Colony, in ſending out your Warrants for Colleacting all ſuch Sums of Money as are due to the Colony, by fines, rates or otherwiſe; and that you will pay out of the ſame, in ſuch Sums, and in ſuch manner as you ſhall be appointed to by the Court, as you ſhall have it in the Common Treaſury; and that you will according to Law, ſee the Conſtables make up their accounts with you, or fine them according to Law for their neglect; and that you will render a true Accompt of all things concerning your Office, when you are called thereunto by the General Court. *So help you God.* Treaſurers Oath.

YOU *E. K.* Being Choſen Secretary for the Colony of *Connecticut* for the Year Enſuing, and until a New be Choſen: Do Swear, that you ſhall keep the ſecrets of the Court, and carefully Execute the place and Office of a Secretary, according to the beſt of your skill; and ſhall truly and faithfully Record all Acts and Orders of the Court, and deliver true Copies and Certificates, when they ſhall be neceſſarily required of you. *So help you God.* Secretarys Oath.

YOU *W. W.* Being appointed Sheriff for the County of *H.* Do Swear, that you will with all faithfulneſs and diligence, Serve all ſuch Attachments Sheriffs Oath.

tachments as shall be directed unto you (and come to your hand) by lawful Authority, and return them to the Court where they are returnable; and also that you will Serve all such Executions granted by the Secretary, Treasurer, or other Clerk authorized thereunto, delivered unto your hands, and Collect or Levie the Goods you are directed to according to the said Executions, whether it be for the publick Treasury, or particular persons: and that you will with convenient speed, deliver such Goods as you shall Levie as aforesaid, into the hands of the Treasurer, or other particular person or persons to whom they do belong; and that you will do and execute all such lawful Commands, Directions and Warrants, as you shall receive from the Governour, or any Magistrate or Magistrates, Court or Courts, according to your Office, and thus during the whole time you shall continue in your Office, you will demean your self without respect of persons, or favour of any man; but in case you meet with any difficulty, which you cannot resolve you may suspend, till you can have advice therein from the Authority. *So help you God.*

Representatives or Deputies Oath.

I Do Swear by the Ever-living God, that in all Cases wherein I am to deliver my Vote or Sentence against any Criminal Offence, or between parties in any Civil Case, I will deal uprightly and justly, according to my best judgment, without respect of persons; and I will according to my skill and ability, assist in all other publick affairs of this Court faithfully and truly, according to the duty of my place, when I shall be present to attend the same.

Grand Jurors Oath.

YOU Swear by the Name of the Ever-living God, that you will diligently enquire after, and true presentment make of all breaches of Law that shall come to your knowledge, according to your Charge, (unless some religious tye of Conscience, surely bottomed upon the Word of God, bind you to secresie) the Kings Council, your own, and your fellows, you will keep secret: You will present no man for envy, hatred or malice, neither will you leave any man unpresented, for love, fear, favour or affection, or in hope of reward; but you will present things truly as they come to your knowledge, according to the best of your understanding, and according to the Laws of this Colony. *So help you God.*

Petit Jurors Oath.

YOU Swear by the Ever-living God, that without respect of persons, or favour of any man, you shall well and truly try, and true deliverance make between our Soveraign Lord the King, and the Prisoners at the Bar, whom you shall have in Charge, according to your Evidence, and the Laws of this Colony. *So help you God.*

Jurors Oath in Civil Cases.

YOU Swear, that you will duly try the Causes, now to be given you in Charge, between the Plantiff and Defendant, or Plantiffs or Defendants, according to the Evidence given you in Court, and the Laws of this Colony: and accordingly a true Verdict give, your own Council, and your fellows, you shall duly observe and keep: you shall speak nothing to any one of the business and matters you have in hand, but among your selves: Nor shall you suffer any to speak unto you about the same, but in Court; and when you are agreed of any Verdict, you shall keep it secret till you deliver it up in Court. *So help you God.*

Witnesses Oath.

YOU Swear, that the Evidence you shall give to this Court concerning the Case now in question, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*

YOU

YOU *C. S.* Do Swear by the Ever-living God, that for the Year Enſuing, and until New be Choſen and Sworn, you will faithfully Execute the place and Office of a Conſtable, for and within the Town of *H.* and the limits thereof; and that you will endeavour to preſerve the publick peace of the ſaid place, and this Colony; and will do your beſt endeavour to ſee all Watches and Wards executed and duly attended, and obey and execute all lawful Commands and Warrants that come from any Magiſtrate or Magiſtrates, Juſtice of Peace or Court, and Execute all ſuch Orders of Court as ſhall be committed to your care, according to your beſt skill. *So help you God.* Conſtables Oath.

YOU Swear, That you will diligently enquire, and true preſentment make, how and in what manner *A. B.* here lying dead, came to his Death, and you ſhall deliver up to the next Aſſiſtant, or Juſtice of Peace, a true Verdict thereof, according to ſuch Evidence as ſhall be given you, and according to your knowledge. *So help you God.* Jury of Inqueſts Oath.

YOU *W. W.* Being choſen and appointed to be Clerk of the County Court, and Court of Probates, to be holden within and for the County of *H.* You Swear, that you will carefully, faithfully and diligently attend and execute the place and office of ſuch a Clerk; that you will truly record all Wills and Inventories as ſhall be exhibited into the ſaid Courts, and by them ordered to be recorded; as alſo all Actions, Verdicts, Sentences and Determinations of the ſaid Courts: and deliver true Copies when they ſhall be required of you, and that you will take for ſuch Records and Copies no more than your lawful Fees, and that you will perform and execute your Office and Duty therein, according to the beſt of your skill, and the Laws of this Colony. *So help you God.* Oath of the Clerk of County Court, and Court of Probates reſpectively.

WHereas you *R. L.* are Choſen and appointed to be the Town Clerk or Regiſter of the Town of *H.* You Swear, that you will truly and faithfully attend and execute the place and Office of a Town Clerk for the ſaid Town of *H.* according to your beſt skill: and make Entry of all ſuch Grants, Deeds of Sale, or of Gift, Town Votes, Mortgages and Alienations of Land, as ſhall be compleated according to Law; and of all Births, Deaths and Marriages, and of all other Writings and Agreements, as ſhall be brought to you to Record; and that you will grant and deliver true Copies of the Records in your hands, when they ſhall be required of you, taking only your appointed Fees. *So help you God.* Town Clerks Oath.

WHereas you *N. O.* are choſen and appointed to be Packer of Beef, Pork or other Goods for the Town of *F.* You Swear, that you will well and truly pack all Beef, Pork and other Goods and Commodities when you ſhall be thereunto required: that you will pack no kind of Goods or Proviſions, but ſuch as are good, ſound, ſortable and merchantable; nor in any Cask that is not of full Gage; and that you will ſet your own particular mark upon all Cask packed by you: and all things proper to your Place and Office of Packer, you ſhall faithfully perform and diſcharge according to your beſt skill, judgment and conſcience. *So help you God.* Packers Oath.

YOu Swear by the Name of the Ever-living God, that you will from time to time diligently and faithfully diſcharge and execute the Office of within the limits whereto you are appointed, for the year Enſuing, and until another be Choſen in your place, and Sworn, and that in and by all the particulars mentioned in the Laws whereto your Oath of Clerk of Train Band, Leather Sealer, Gager, Sealer of Meaſures, Fence-viewers, Inſpectors, Surveyors of Ways Wardens, *Mutatis Mutandis.*

Office hath relation; and that you will do therein impartially according to Law, without fear or favour. *So help you God.*

Branders Oath.

YOU *G. H.* Being Choſen and Appointed Brander for the Town of *P.* Do Swear, that you will truly and faithfully attend, diſcharge and execute your Office of Brander, for the ſaid Town of *P.* that you will brand, make true Entry, and keep a clear Record of all ſuch Horſe kind as ſhall be preſented to you for that end according to Law, and that you will toll or make a true record of all Sales, Gifts and Exchanges of Horſe kind, made and preſented to you; that you will not brand any Horſe kind prohibited to be branded by Law: and that you will grant true Copies of your Records and Entrys, and Certificates when demanded, taking only your juſt Fees appointed by Law. *So help you God.*

Apprizers Oath.

WHereas you *J. M.* are appointed to apprize ſuch Lands or Goods as are now to be preſented to you: You Swear, that all partiality prejudice and other ſiniſter reſpects laid aſide; you will apprize the ſame, and every part thereof, according to the preſent, true and juſt value thereof, to the Creditor or Creditors, who are to receive the ſame, in the ſame Specie ingaged by your beſt judgment and conſcience. *So help you God.*

No Oath to be urged but ſuch as the General Court allows.

And it is further Enacted by the Authority aforeſaid, That no perſon ſhall be urged to take any Oath, but ſuch as the General Court hath conſidered, allowed and required. And that no Oath of any Aſſiſtant, Counſellour, or any other Officer, ſhall bind him any further or longer than whilſt he is reſident, or repured an Inhabitant in this Colony.

Oppreſſion.

WHereas Oppreſſion is a miſchievous evil the nature of man is prone unto, and that no perſon may oppreſs and wrong his Neighbour, by taking exceſſive wages for work, or unreaſonable prizes for ſuch Merchandize and Commodities, as ſhall paſs from man to man.

Oppreſſion how to be puniſhed.

It is Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſon or perſons ſhall offend in any of the ſaid Caſes, he or they ſhall be puniſhed by fine or impriſonment, according to the quality of the Offence, as the Court before whom he or they are preſented and complained of, upon lawful tryal and conviction ſhall determine.

And for a certain rule of proceeding for the relief of ſuch as ſhall complain of wrong done unto them by Oppreſſion.

Oppreſſion to be diſcovered by the judgment of men of the ſame Occupation, &c.

It is further Enacted by the Authority aforeſaid, That when any perſon or perſons ſhall make complaint of any Merchant, Shop keeper, Trader, Victualler, or of any Handy-crafts man or Trades-man, as Smiths, Shoo-makers, Carpenters, Joyners, Taylors, Weavers, or other Tradeſman or Labourer whatſoever; the Authority to whom ſuch complaint ſhall be made, ſhall appoint and call before him or them, two or three of the ſame Occupation or Trade the perſon is of who vends the Merchandize or Commodity, and is complained of for Oppreſſion, which two or three perſons ſhall be under Oath, to be by the ſaid Authority adminiſtred unto them, to give their judgment and opinion concerning the price of ſuch Goods

Goods or Commodities ſold, or labour done, which opinion and judgment ſhall be the ground of legal conviction: and where the penalty does not exceed *Forty Shillings*, any one Aſſiſtant or Juſtice of the Peace, ſhall be, and is hereby impowred to hear and iſſue the ſame; and where the penalty is above *Forty Shillings*, the Caſe ſhall be Tryed by the County Court. *Provided*, No penalty for ſuch offence ſhall exceed threefold the wrong done thereby; the ſame penalties to be and belong, half to the Complainer, and the other half to the Poor of the Town wherein the Offender dwells; and all Charges ariſing upon ſuch Complaint ſhall be paid by the Offender or Offenders.

Peace-Breakers.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That whoſoever ſhall diſturb the peace, by tumultuous and offenſive carriages, traducing, quarrelling, challenging, aſſaulting, beating and ſtriking any other perſon, ſuch perſon ſhall be liable to pay to the party hurt or ſtricken, juſt damages, beſides ſuch fine to the publick Treaſury, as on conſideration of the party ſmiting, or being ſmitten, and with what Inſtrument, danger more or leſs, time, place and provocation, ſhall be judged juſt and reaſonable to the merit of the offence, according to the judgment of the Judges.

And that effectual means may be uſed and improved for the preſerving and promoting of the peaceable and civil behaviour and good converſation of His Majeſties Subjects in this Colony, and for preventing and ſuppreſſing of what is contrary thereunto.

It is further Enacted by the Authority aforeſaid, That the Surety of the Peace or good behaviour, as the merit of the Caſe ſhall require, may and ſhall be granted (by any of His Majeſties Aſſiſtants or Juſtices of the Peace in this Colony) againſt all and every ſuch perſon and perſons, as by threatning words, turbulent behaviour, or actual violence, or by any other unlawful action, ſhall terrifie or diſquiet any of the Kings People; and alſo againſt common Barreters, which frequently ſtir up and maintain Suits at Law in Courts, or Quarrels and parts in the Country, that invent and ſow falſe reports, whereby diſcord ariſeth, or may ariſe among Neighbours; alſo againſt ſuch as are of evil name or fame generally for maintaining or reſorting to Houſes ſuſpected to be Houſes of Bawdery and Incontinency: alſo againſt Night-walkers that be perſons of evil name or evil report generally, or that Eves drop mens Houſes, or that ſhall caſt mens Carts into Ponds, or commit other ſuch like miſdemeanours or outrages in the night ſeaſon: Alſo againſt Idle perſons, Drunkards, Libellers, and againſt ſuch like Offenders; and if any ſuch perſon or perſons ſhall refuſe to give ſurety for the peace or good behaviour, it ſhall be in the power of any Aſſiſtant or Juſtice of the Peace, to commit ſuch perſon or perſons to the common Goal, there to remain till delivered according to Order of Law.

Againſt whom the Surety of the peace or good behaviour may be granted.

And be it further Enacted by the Authority aforeſaid, That if any perſon ſhall abuſe any Magiſtrate or Juſtice of the Peace, or ſhall reſiſt or abuſe any Sheriff, Conſtable, or other Officer in the execution of his Office,

Penalty on perſons reſiſting or abuſing any Civil Officer.

fice, ſuch perſon or perſons ſhall find or procure Sureties for the Peace, and good behaviour, until the next County Court in that County, or be Committed to the County Priſon, there to remain until the ſaid next County Court, which Court ſhall take Cognizance of the wrongs and abuſes done to ſuch Officer or Officers, by any perſon or perſons, and lay ſuch penalty upon the Offender or Offenders, (he or they being thereof legally convicted) as the merit of the offence ſhall deſerve, appearing by the circumſtances of the ſame, not exceeding *Ten Pounds*.

Perjury.

Penalty for wilful Perjury.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſon or perſons, either by the ſubornation, unlawful procurement, reward, ſiniſter perſwaſion, or means of any other, or by their own act, conſent or agreement, ſhall wilfully and corruptly commit any manner of wilful perjury, by his or their depoſition in any Court of Record, or upon Examination, that then every perſon and perſons ſo offending, and being thereof duly convict or attainted by Law, ſhall for his or their offence, loſe and forfeit *Twenty Pounds*, the one moiety thereof unto the publick Treaſury of this Colony, and the other moiety to ſuch perſon or perſons as ſhall be grieved, hindred or moleſted by reaſon of any ſuch offence, that ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, Information or otherwiſe, in any Court of Record, in the which no Wager of Law, Eſſoign, Protection or Injunction to be allowed; and alſo to have Impriſonment by the ſpace of ſix months, without bail or mainprize: And the Oath of ſuch perſon or perſons ſo offending, not to be received in any Court of Record, until ſuch time as the Judgment given againſt the ſaid perſon or perſons ſhall be reverſed, by Attaint or otherwiſe; and upon every ſuch reverſal, the parties agrieved to recover his or their damages, againſt all and every ſuch perſon and perſons as did procure the ſaid Judgment, ſo reverſed to be given againſt them, or any of them, by Action or Actions, upon his or their Caſe or Caſes, according to the courſe of common Law.

And if it happen the ſaid Offender or Offenders ſo offending, not to have any Goods or Chattels to the value of *Twenty Pounds*, that then he or they be ſet on the Pillory by the ſpace of one whole hour, in ſome County Town where the Offence was committed, or next adjoyning to the place where the offence was committed, and to have both his Ears nailed; and from thenceforth to be diſcredited and diſabled for ever to be Sworn in any Court of Record, until ſuch time as the Judgment ſhall be reverſed.

And all and every perſon or perſons who ſhall unlawfully and corruptly procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful labour or means whatſoever, to commit any wilful or corrupt Perjury in any matter or cauſe whatſoever depending, or that ſhall depend in Suit and Variance, by any Writ, Action, Bill, Complaint or Information, in any Court of Record; every ſuch Offender being thereof duly Convict, or attainted by Law, ſhall for his or their offence be proceeded againſt, and ſuffer the like pains, penalties, forfeitures, and diſability in all reſpects, as above mentioned.

Petition.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no Petition made or preferred by any perſon or perſons whatſoever, ſhall be heard or conſidered by the General Aſſembly, where any other perſon or perſons is or are concerned in the Eſtate, matter or thing in controverſy, unleſs he or they ſo concerned, have been ſummoned ſix days before the Sitting of the ſaid Court or Aſſembly, and alſo have an atteſted Copy of the Petition (intended to be given in) given or offered to him or them, or left at the place of his or their uſual abode, at leaſt ſix days before the Petition is heard: and if upon the Tryal of the Caſe, it doth appear that either the Petitioner or Petitioners, or the perſon or perſons Cited, do or have given the other party unjuſt trouble, the party or partys wronged, ſhall be allowed his or their juſt coſt and damages, as in other Caſes.

No perſons Petition to be heard except the parties concerned are Summoned.

Poſſeſſion.

THIS Court being ſenſible of the great trouble and contention that doth and may ariſe in this Colony, by reaſon of great defects that are found in Records, and Alienations of Houſes and Lands; that due form of Law not being lawfully attended, which is requiſite in ſuch affairs; for the prevention whereof, and that future trouble may be avoided, and that Righteouſneſs and Juſtice may be maintained.

Be it Enacted by the Governour, Counſil and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That what perſon or perſons ſoever, that hath either himſelf, his Grantee or Aſſigns, ſtood poſſeſſed in his or their own proper Right in Fee ſimple, of any Houſes or Lands within this Colony, without being interrupted by any perſon or perſons laying claim thereunto, and proſecuting their claim in due form of Law, ſome time betwixt the publication hereof, and the laſt of *November*, One thouſand ſix hundred and ſixty Eight; ſuch perſon or perſons ſo poſſeſſed of any Houſes, parcel or parcels of Land as aforeſaid, have power to enter and record the ſame to him or themſelves, and his or their Heirs and Aſſigns for ever in the Book of Records of that Town where the ſaid Houſes and Lands lyeth, paying a meet recompence to the Recorder for his pains; and a Record under the Recorders hand; and one of the Select men of that Town, and an Aſſiſtant or Juſtice of the Peace, ſhall be a ſufficient and legal Evidence to all and every perſon and perſons that ſhall have the ſame, to all intents, ends and purpoſes, for the holding of the ſame firm to him or them, his or their Heirs and Aſſigns for ever. *Provided* this Law includes not Orphans under age, and Proprietors in foreign parts, who poſſibly may be incapacitated to make good their Claims within the fore-mentioned limited time.

An Act made *May* 9. 1667.

And for quieting of mens Eſtates, and avoiding of Suits.

It is Enacted and Ordained by the Authority aforeſaid, That no perſon or perſons that now hath any right or title of Entry into any Lands, Tenements or Hereditaments within this Colony, now with-held from him or them, ſhall thereinto Enter, but within three years after the

An Act made *May* 8. 1684.

tenth of *June* next, or within fifteen years next after any other title of Entry accrued; and that no perſon or perſons ſhall at any time hereafter make Entry into any Lands, Tenements or Hereditaments within this Colony, but within fifteen years next after his or their right or title, which ſhall hereafter firſt deſcend or accrue to the ſame; and in default thereof, ſuch perſons ſo not Entring, and their Heirs, ſhall be utterly excluded and diſinabled from ſuch Entry after to be made. And that all ſuch perſons as have had right or title of Entry into, or cauſe of action for any Lands, Tenements or Hereditaments within this Colony, hitherto detained from him or them, ſince the ninth of *May*, One thouſand ſix hundred ſixty and ſeven paſt, and till the tenth day of *June* next, and neglected hitherto to make his or their Entry, and to Sue out to effect, his or their ſaid Right or Title, ſhall for ever hereafter be utterly excluded and diſinabled from ſuch Entry or Suit to be made: Any former Law, Uſage or Cuſtome to the contrary notwithſtanding.

No perſons to be heard except the parties concerned are Summoned.

Provided Nevertheleſs, That if any perſon or perſons, that is or ſhall be Intituled to, or that hath, or ſhall have ſuch right or title of Entry into any Lands, Tenements or Hereditaments in this Colony be, or ſhall be at the time of the ſaid Right or Title firſt deſcended, accrued, come or fallen within the age of twenty one years, *Feme Covert*, *Non Compos mentis*, Impriſoned, or beyond the Seas, that then ſuch perſon and perſons, and his and their Heir and Heirs, ſhall or may notwithſtanding the ſaid three years, or the ſaid fifteen years be expired, bring his action, or make his Entry, as he might have done before this Act: So as ſuch perſon or perſons, or his or their Heir or Heirs, ſhall within five years next after his and their full age, diſcoverture, or coming of ſound mind, inlargement out of Priſon, or coming into this Country of *New-England*, or Territory of *New-York*, or Death, take benefit of, and Sue forth the ſame, and at no time after the ſaid five years.

Poor.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That each Town within this Colony ſhall maintain their own poor; and the Select-men or Overſeers of the Poor (where any ſuch are Choſen,) ſhall at times keep the Town Stock; who ſhall have full power to diſburſe or expend what they ſhall judge meet from time to time for the relief and ſupply of any of the poor belonging to their Town, ſo far as *Five Pounds* will extend; and if more be needful, the ſaid Select-men or Overſeers, or the major part of them, ſhall with the advice of the Aſſiſtants, or Juſtices of the Peace of that Town (if there be any in the Town) diſburſe what ſhall be by them judged needful for the relief of the poor as aforeſaid: and if in any Town there be no Aſſiſtant or Juſtice of the Peace, then it ſhall be in the power of the Select-men or Overſeers of the Poor, to act as fully as if they had the advice of the Aſſiſtants or Juſtices as aforeſaid, for the ſupplying their Poor, or any of them with Victuals, Cloathing, Fire-wood, or any other thing neceſſary for their ſupport or ſubſiſtance. And if any Select-man, Overſeer or other perſon or perſons, ſhall have any of the Town Stock in his or their hand or hands, and do neglect or refuſe to give a juſt accompt upon Oath of what he hath expended as aforeſaid, and what is in his Cuſtody, upon ten days warning, before an Aſſiſtant or Juſtice of the Peace when called to it by the Town, and to return what is not expended to and

Select-men or Overſeers of the Poor to provide for poor people in their Towns.

To diſburſe what is needful.

Penalty on Select-men or others having any of the Town Stock in their hands, & refuſe to render the ſame, &c.

and for the uſe aforeſaid to the Town, he or they ſhall be committed to the Goal, there to remain at his or their own Coſt and Charge, until he or they ſhall give ſuch account, and make return as aforeſaid.

Power of Select men or Overſeers of the Poor to bind out poor Children.

And it is further Enacted by the Authority aforeſaid, That if any poor perſon or perſons, that have had or ſhall have reliet or ſupplies from any Town, ſhall ſuffer their Children to live idly or miſpend their time in loitering, and neglect to bring them up or imploy them in ſome honeſt Calling, which may be profitable unto themſelves, and the publick; Or if there ſhall be any Family that cannot, or do not provide competently for their Children, whereby they are expoſed to want and extremity: It ſhall and may be lawful for the Select men and Overſeers of the Poor in each Town, and they are hereby ordered and impowred, with the aſſent of the next Magiſtrate or Juſtice of the Peace, to bind any poor Children belonging to ſuch Town to be Apprentices, where they ſhall ſee convenient: A man Child until he ſhall come to the age of Twenty one years; and a Woman Child to the age of Eighteen years, or time of Marriage: which ſhall be as effectual to all intents and purpoſes, as if any ſuch Child were of full age, and by Indenture of Covenant had bound him or her ſelf.

Perſons abiding 3 months in a Town without being warned out, to be provided for in want.

Unleſs, &c.

And further it is Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall come to live in any Town in this Colony, and be there received and entertained by the ſpace of three months, and if by Sickneſs, lameneſs, or the like, he or they come to want relief, every ſuch perſon or perſons ſhall be provided for by that Town wherein he or they was ſo long entertained, at their own proper charge; unleſs ſuch perſon or perſons have within the ſaid three months, been warned by the Conſtable, or ſome one or more of the Select men of that Town, to depart and leave the place: which if the ſaid Conſtable, or any one or more of the Select men ſhall do, and thereof certifie the next Court of Aſſiſtants to be held in this Colony, the ſaid Court of Aſſiſtants ſhall and may otherwiſe order the defraying of the Charge ariſing about ſuch perſon or perſons.

An Act for providing of Pounds, and to prevent Reſcues and Pound Breach.

Each Town to maintain a ſufficent Pound or Pounds.

Penalty on perſons impounding Creatures, and neglecting to notifie the Owner.

Owners of Creatures that eſcape out of Pound to pay damage and Poundage.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be made, and from time to time maintained in every Town and Plantation in this Colony, a ſufficient Pound or Pounds, at the coſt and charge of ſuch Town or Plantation; for the impounding and reſtraining of all ſuch Swine, Horſes, Cattle, and other Creatures, as ſhall be found damage feaſant, and Swine found unringed or unyoaked; and every perſon Impounding any Swine, Horſes, Cattle or other Creatures, ſhall give notice thereof to the Owner of ſuch Creatures, as ſoon as may be, if the Owner be known; on pain of forfeiting the ſame penalties as is here after expreſſed, for ſuch perſons as having notice of their Creatures being Impounded ſhall neglect to redeem them out of Pound: And in caſe the Owner ſhall not be known, that then he ſhall cauſe the ſame to be Cryed, or poſted up in the ſame Town wherein they are impounded, and in the two next Neighbouring Towns, whence it may be moſt likely ſuch Creatures came; and if any Swine, Horſes, Cattle or other

Creatures that ſhall be impounded, ſhall eſcape and get out of the Pound, the Owner thereof (being known) ſhall pay all juſt damages and Poundage, notwithſtanding; which ſhall be as recoverable by action of Debt, as any other Debt whatſoever. *Provided* the perſon or perſons Impounding ſuch Creatures, ſhall give Oath, that he or they found ſuch Creatures damage feaſant.

Fee for impounding

And it is further Enacted by the Authority aforeſaid, That the Owner or Owners of all ſuch Neat Cattle and Horſes that ſhall be taken damage feaſant and impounded, ſhall pay *Eight pence per* Head, whereof *Six-pence* ſhall be to the Driver, and *Two pence* to the Keeper of the Key; and for Swine taken damage feaſant and impounded, *Twelve pence per* Head; and for Sheep ſo taken and impounded, *One Penny per* Head; a quarter of each ſhall be to the Keeper of the Key, and the reſt to the Driver or Drivers: except where the Law provides otherwiſe.

Penalty on perſons that ſhall neglect to redeem their Creatures out of Pound,

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons, whoſe Creature or Creatures ſhall be impounded, and he or they thereof notified as aforeſaid, ſhall not within twenty four hours after ſuch notice to him or them given, either repleeve or redeem his or their ſaid Creature or Creatures out of the Pound, every ſuch perſon or perſons ſhall forfeit *Two Shillings per* Head, for every Beaſt ſo by him or them ſuffered to continue in Pound, and ſo *Two Shillings* a day for every day after the firſt day that he or they ſhall ſuffer ſaid Creatures to continue in Pound, beſides all neceſſary charges the Pound keeper ſhall be at in providing, and giving meat and water to ſuch Creature or Creatures ſo continued in Pound. And all ſuch fines and forfeitures as ſhall become due for the breach of this Order, ſhall by Warrant from any one Aſſiſtant or Juſtice of Peace, directed to the Conſtable, be levied out of the Eſtate or Eſtates of the ſaid perſon or perſons, Owners of the ſaid Creatures, and delivered the one half to the Pound keeper, and the other half to the Select men for the uſe of the Poor of the Town; (juſt damages and Poundage of the ſaid Creatures being firſt paid) all which ſhall be done before ſuch Creature or Creatures be releaſed out of Pound.

If no Owner appear for Creatures impounded they may be Sold at an out-cry, *&c.*

And if any Cattle, Horſes, Swine or other Creatures, ſhall be taken damage feaſant and impounded, and no Owner of them doth appear within three days after any ſuch Creatures are Cryed or Poſted, in ſuch manner as the Law in ſuch caſe requires, That then ſo many of ſuch Cattle, Horſes, Swine or other Creatures, ſhall by the Conſtable of the Town wherein they are Impounded be Sold at an Out-cry, as may be ſufficient to ſatisfie the damage and Poundage, and for meat and water, with the charges ariſing for ſending to the two next Towns, and for Crying and Selling the ſame. And the marks of the Creatures ſo ſold, ſhall be Entred in the Brand Book, together with an account of the charges due, and the price of the Creatures, and the Sum of the over-plus remaining (if any be) after the Brand Book-keeper is ſatisfied for Entry, and ſuch over-plus ſhall be delivered to the Town Treaſurer, to be kept for the Owner or Owners, if he or they ſhall appear in three years; but if no Owner ſhall appear within three years, ſuch over-plus ſhall belong to the ſaid Towns Treaſury.

Penalty for a Reſcues.

And it is further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall reſiſt or reſcue any Swine, Neat Cattle, Horſes or Sheep, taken up as aforeſaid, out of the hand of any perſon or perſons going to Pound with them, or ſhall by any means convey them out of Pound or Cuſtody of the Law, whereby the party wronged may be liable

ble to loſe his damages, and the Law be deluded, the party ſo offending, ſhall for ſuch Reſcues forfeit and pay to the County Treaſury *Forty Shillings*; and in caſe of Pound breach *Five Pounds*; and alſo pay all damages to the party wronged. And if either be done by any perſon or perſons not of ability to anſwer and pay the damage and forfeiture aforeſaid, ſuch perſon or perſons ſhall be Whipt by Warrant from any Aſſiſtant or Juſtice of the Peace before whom the Offender is Convicted, in the Town where the Offence is committed, not exceeding fifteen ſtripes for meer Reſcue or Pound breach, and for all damages to the party or parties, the Offender ſhall make ſatisfaction in Service. And if it appear that there were any procurement of the Owner or Owners of the Creatures, or that they were abettors, the ſaid Owner or Owners ſhall pay all damages and forfeitures, as if him or themſelves had done it; one fourth part of all fines and forfeitures ariſing for the breach of this Order, ſhall be to him or them that proſecute the ſame to effect. *Provided* the Complaint be proſecuted within nine months after the offence committed: Or otherwiſe the ſame ſhall not be heard.

Penalty for pound breach.

If done by perſons under age or not of ability to pay, how ſuch ſhall be puniſhed.

An Act for Encouraging the Poſt-Office.

WHEREAS Their moſt Excellent Majeſties, King William, *and Queen* Mary, *by Their Letters, Pattents, have Granted a Poſt-Office to be Set up in theſe Parts of* New-England, *for the receiving and diſpatching of Letters and Pacquets from one place to another, for Their Majeſties Special Service, and the benefit of Their Majeſties Subjects in theſe Parts; and this Court being willing to promote ſo good a work.*

It is Declared and Enacted by the Governour, Counſil and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all ſuch perſons as ſhall be imployed by the Poſt Maſter General in the ſeveral Stages within this Colony of *Connecticut*, ſhall and may paſs and repaſs all and every Ferry and Ferries within the ſaid Colony, from and after the publication hereof, for and during the Courts pleaſure, without paying any Rate or Sum of Money for their own or their Horſes paſſage.

An Act for Regulating of Poſts.

WHEREAS great damage hath oftentimes accrued to this Colony, by that unlimited liberty taken by perſons who have been imployed by the Authority for Conveyance of Letters and Pacquets of Importance, as the occaſions of the Colony hath required, in their extravagant expences in Houſes of Entertainment, and delays in buſineſs, which for the future to prevent.

It is Enacted and Ordained by the Governour, Counſil and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from and after the publication hereof, no Accompt ſhall be allowed or accepted by any Aſſiſtant or Juſtice of the Peace in this Colony, nor any Bills or Orders ſigned for the payment of Expences of Poſts, or other perſons imployed in the Colonies Service, where ſuch Poſts, or other perſons ſhall have his or their full wages (allowed by Law) paid unto him or them for his or their Service, and the bearing and defraying of his or their charges and expences,

No Orders to be ſigned for the Expences of Poſts, in caſe.

And for a certain rule for allowance to such persons imployed as aforesaid, both for their Service, and for their Expences.

Post Wages stated.

It is further Enacted by the Authority aforesaid, That from the first of *May*, to the fifteenth of *October*, there shall be allowed and paid for the man and expences for forty miles Travel out from home, and for returning, *Eight Shillings*; and for a Horse, *Five Shillings*, all is *Thirteen Shillings* Country pay: and a proportionable allowance shall be made and given, for greater and lesser Journeys. And from the fifteenth of *October*, to the first of *May*, there shall be allowed and paid for the Man, Horse and Expences for forty miles Travel out from home, and returning, *Fourteen Shillings* Country pay, and so proportionable for greater and lesser Journeys.

An Act against prophane Swearing.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That if any person within this Colony shall Swear rashly and vainly, either by the Holy Name of God, or any other Oath: or shall sinfully and wickedly Curse any person, or persons; such person shall forfeit to the Treasury of the County wherein he liveth for every such offence, the Sum of *Ten Shillings*, and it shall be in the power of any Assistant, or Justice of the Peace, by Warrant to the Constable to call such person or persons before him, and upon just proof to pass Sentence according to Law, and levy the said penalty according to the usual order of Justice. And if such person or persons be not able, or shall refuse to pay the aforesaid fine, he or they shall be Set in the Stocks not exceeding three hours, and not less than one hour.

Punishment.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no person shall be twice Sentenced by Civil Justice for one and the same Crime, Trespass or Offence, and that no bodily punishment shall be inflicted that is inhumane, barbarous or cruel.

Rates.

Be it Enacted by the Governour, Council and Representatives, in General Court Assembled, and it is Enacted and Ordained by the Authority of the same, That every Inhabitant in this Colony shall henceforth contribute to publick Charges, in Church, Town and Colony, whereof he doth or may receive benefit; and every Inhabitant, who shall not voluntarily contribute, proportionable to his ability, with the rest of the same Town whereto he or they belong, to all Charges, both Civil and Ecclesiastical, shall be compelled thereunto by Assessment, and distress to be levied by the Constable, or other Officer of the Town, as in other cases. And the Lands and Estates of all persons wherever they dwell, (except exempted by Law) shall be rated for all Town Charges, both

All persons to pay to common charge.

Lands to pay Rates in the Towns where they lye, and persons where they dwell.

both Civil and Eccleſiaſtical as aforeſaid; the Lands and Eſtates where they lye, and their perſons where they dwell.

Liſters or Aſſeſſors to be annually Choſen in each Town.

And it is further Enacted by the Authority aforeſaid, That the Inhabitants of each Town in this Colony, without expecting any further Order, ſhall once in every year (on the day when the ſaid Inhabitants ſhall be conveened to Chooſe Select-men, Conſtables and other Town Officers, as the Law requires annually to be Choſen) Chooſe three or four able Inhabitants, who ſhall in the month of *Auguſt*, make a Liſt of all the Male perſons in their Town upwards of ſixteen years of age, (except Aſſiſtants, Juſtices of the Peace, Miniſters of the Goſpel, allowed Phyſitians and School-Maſters) and a true Eſtimation of all real and perſonal Eſtate, being (or reputed to be) the Eſtate of all, and every of the perſons of the ſame Town, or under their cuſtody or management, according to the juſt value thereof: and to what perſon or perſons the ſame belongs, either in their own Town, or any other, ſo far as they can by any lawful means come to the knowledge thereof. *That is to ſay,* Of Ware-houſes, Shops, Work-houſes, Lands of all ſorts, as well unbroken, where the Owners have particular improvement thereof) as others (except ſuch Lands as ly common, and free for the feeding of Cattle, to the uſe of the Inhabitants in general) all Lands to be ſet in the Liſt to the Landlord, or the proper Owner or Owners thereof, although it be by him or them rented or leaſed out, Mills, Ships and other Veſſels on the Stocks, and finiſhed fit for Sailing, and uſe, Merchantable Goods, and Cattle of all ſorts: (except Bulls and Boars) and all other known Eſtate either at Sea, or on Shoar; all which perſons and Eſtates are by the ſaid three or four men (to be Choſen as aforeſaid) to be aſſeſſed and valued as followeth, *viz.* each perſon as aforeſaid at *Eighteen Pounds*: Every Cow, Steer or Heifer of three years old and upward at *Three Pounds per* Head: Each Ox or Steer of four years old and upwards, at *Four Pounds*; every Steer or Heifer of two years old, at *Two Pounds*; each Steer or Heifer of one year old, at *One Pound*: Each Horſe or Mare of three year old and upwards, at *Three Pounds*; all Horſe kind of two years old, at *Two Pounds per* Head; each Horſe kind of one year old, at *One Pound*: Every Swine of a year old and upward at *One Pound*; and all ſorts of Cattle, and Horſes under one year old, and all Hay and Corn are exempted; and all Lands cleared and incloſed either for Plowing or Feeding, ſhall be exempted for four years; and every perſon ſo clearing and incloſing, ſhall be allowed the improvement of ſuch Lands four years Rate free, and no more; and if any ſuch Land ſhall after the expiration of the ſaid four years be laid open to the Commons, and afterward the Owner or Owners thereof ſhall again incloſe the ſame, he or they ſhall pay all Rates for the ſame, as if ſaid Lands had been improved every year after the ſaid firſt four years.

perſons exempted the Liſt.

What Eſtate is to be rated.

Bulls & Boars exempted.

prizes of Cattle in the Liſt.

New cleared Lands exempted four years.

And all ſuch perſons, who by their Arts and Trades are advantaged, ſhall be Rated in the Liſt to be made as aforeſaid proportionable to their Gains and Returns, as Butchers, Bakers, Brewers, Victuallers, Smiths, Carpenters, Taylors, Shoo makers, Tanners, Carriers, Joyners, Barbers, Weavers, Millers, Maſons and other Artiſts and Tradesmen, and Shop-keepers. Such perſons who are diſabled by Sickneſs, Lameneſs, or other Infirmity, their Polls are exempted; Servants and Children who take not Wages, their Maſters or Parents ſhall pay for them; but ſuch as take Wages, ſhall pay for themſelves; and if the Inhabitants of any Town ſhall neglect the Chooſing of Liſters as aforeſaid, ſuch Town ſhall pay as a fine for ſuch neglect, the Sum of *Five Pounds* to the publick Treaſury of this Colony: and all Damages as ſhall come by ſuch neglect.

Trades-men to be rated, &c.

perſons diſabled by Sickneſs, &c. exempted.

penalty on Towns neglecting to chooſe Liſters,

Inſpectors to be annually Choſen in each Town.

And be it further Enacted by the Authority aforeſaid, That the Inhabitants of each Town in this Colony, ſhall annually Chooſe one or two able and faithful men to be Inſpectors, who ſhall carefully inſpect the particular Liſts in their Towns; and be under Oath for a due Diſcharge of that place, and office; who ſhall be Choſen at the ſame Meeting at which other Town Officers are Choſen. And if any perſon Choſen to the Office of Inſpector, ſhall refuſe to accept thereof, or to take the Oath provided, ſuch perſon ſhall pay *Forty Shillings* to the Town Treaſury, and ſo every perſon refuſing until one ſhall accept the place, and take the Oath.

Penalty for refuſing the place.

Their Duty.

Which ſaid Inſpector or Inſpectors ſhall ſeiz and ſecure, and make preſentment to the next Aſſiſtant or Juſtice of the Peace, of the Eſtate not Liſted in ſuch Town or place whereto he or they do belong: All which Eſtate, and ſuch as ſhall by any means be convey'd away to eſcape the Liſt, and ſuch Creatures as ſhall be left out of the Liſt, and after kill'd ſhall be forfeited, or the full value thereof: One half to the publick Treaſury of this Colony, and the other half to the Inſpector or Inſpectors, or him that ſhall proſecute the ſame. *Always Provided*, that the Owner of ſaid Eſtate had warning to give in a Liſt of his Eſtate to the Liſters choſen to take the ſame. And if any male perſon of ſixteen years old or upward, ſhall not be given in to the Liſters by the Parents or Governours of ſuch perſon, when warned as aforeſaid, ſuch Parents or Governours ſhall forfeit *Twenty Shillings*, half to the Inſpector, and half to the Treaſury of this Colony.

Eſtate not Liſted to be forfeited.

Proviſo.

Penalty on Towns neglecting to chooſe Inſpectors.

And if the Inhabitants of any Town ſhall neglect the Chooſing ſuch Inſpector or Inſpectors as aforeſaid, ſuch Town ſhall pay a fine of *Five Pounds* to the Publick Treaſury of this Colony.

Liſts to be made by the ſecond *Thurſday* of *September* annually.

And it is further Enacted by the Authority aforeſaid, That the Liſters in each Town in this Colony, ſhall every year make and perfect their Liſt by the ſecond *Thurſday* of *September*, and deliver the ſame, or a true Copy thereof, to the Inſpector or Inſpectors Choſen by the Town to inſpect and view the ſame, that thereby they may have at leaſt one months time (to find out all neglects and forfeitures) before the General Court in *October*, and to ſeiz and provide for the proſecuting the incurred penalties.

And the Inſpector in each Town ſhall ſome time before the General Court in *October* yearly, deliver the ſaid Liſt to ſuch Deputy as ſhall be Choſen by the Freemen of the Town whereto he belongs, who ſhall tranſmit the ſame to the General Court; and the Deputies of the ſaid Court being aſſembled together, ſhall duly and carefully examine all the ſaid Liſts and Aſſeſsments of the ſeveral Towns, and ſhall correct and perfect the ſame according to the true intent of this Act, and the ſame ſo perfected they ſhall Sign.

Deputies to Examine Liſts.

General Court to grant Rates.

And the General Court Sitting from time to time, ſhall Grant ſuch Rates as ſhall be neceſſary for the defraying of Charges, and give direction to the Treaſurer for the gathering of the ſame; and every perſon ſhall pay his Rates to the Conſtable (or other Officer) of the Town where he is aſſeſſed; and no Land or other Eſtate ſhall be Rated in any Town but where the ſame ſhall lye, is or was improved to the Owners, reputed Owners, or other Proprietors uſe or behoof, if within this Colony, (and for all Peculiars or Lands not as yet laid within the bounds of any Town, thoſe Lands with the perſons and Eſtates thereupon) ſhall be aſſeſſed by the Rates of the next Town unto it; the meaſure or eſtimation to be by the diſtance of the Meeting Houſes.

Peculiars to be Rated with the next Town.

And if any of the ſaid Liſters, Inſpectors or Deputies, ſhall fail or neg-

lect

lect to perform the Truſt committed to them by this act, by not making, perfecting, inſpecting or tranſmitting any of the ſaid Liſts or Aſſeſments, according to the intent of this Act, every ſuch Offender ſhall be fined *Forty Shillings* for every ſuch offence, or ſo much as the Colony ſhall be damnified thereby, if it exceed not *Five Pounds*. *Provided*, that all ſuch offences be complained of, and proſecuted within ſix months after the ſame are committed. Penalties on Liſters, Deputies and Inſpectors neglecting their duty. proviſo.

And further it is Enacted by the Authority aforeſaid, That upon all diſtreſſes taken and made for any of the Rates, fines or aſſeſsments aforeſaid, the Officer ſhall diſtrain Goods or Chattels if they may be had, and if no Goods or Chattels can be found, or ſhall be tendered, the Officer ſhall Attach the Body of ſuch perſon, and him convey to the County Priſon, there to remain until ſuch Rates, fines or aſſeſsments be paid, and in caſe the perſon be abſent, or be not reſident within the Officers Precincts, in want of Goods and Chattels, the Officer ſhall lay an extent upon ſuch perſons Lands for payment of Rates, and all charges ariſing about the ſame. If no Goods or Chattels, the perſon to be taken for Rates or Fines.

And it is further Enacted by the Authority aforeſaid, That all Rates ſhall be paid in Money, or Wheat, Peaſe, Rye, Indian Corn, Pork or Beef; the prizes of each ſhall be appointed by the General Court from time to time. And all Town Rates, and Miniſters Rates, ſhall be made by the ſame rule as to the Liſt, as the Country Rate is made: and the prizes of Grain to paſs alike; except there be ſome particular agreement between the Miniſter and people of any Town to the contrary. Rates in what to be paid. All Rates to be made by one rule.

And be it further Enacted by the Authority aforeſaid, That there ſhall be Collectors Choſen, for the Gathering of the Town and Miniſters Rates, in the reſpective Towns in this Colony; who ſhall appoint time and place for the paying and receiving ſuch Rates as are due, and each Inhabitant ſhall have reaſonable warning to bring in his proportion, which every man is to attend for the payment of ſuch Rates or dues, or upon neglect thereof, the ſaid Collectors ſhall be, and are hereby impowred to diſtrein upon ſuch perſon or perſons for their Rates or Aſſeſsments not paid, with *Two-pence* upon the *Shilling* for their trouble therein, and charge of Ferryage (if any be) and *Four-pence* a mile for his Travel out: (and the like power and authority is hereby granted to the ſeveral Conſtables, that are or ſhall be in this Colony, for the gathering and collecting the Country Rates.) And in caſe the Collectors ſhall not perform the Truſt hereby committed unto them, they ſhall be accountable for ſuch Arrears ſo by them neglected to be gathered: and the Select-men of each Town are hereby impowred to demand ſuch Arrearages of the Collectors of their reſpective Towns, and on failure of payment to take out a Warrant from any one Aſſiſtant or Juſtice of the Peace, directed to the Conſtables, to Diſtrein the Sums or Rates neglected to be Gathered by the Collectors, out of the Eſtates of the ſaid Collectors ſo neglecting. Conſtables and Collectors power for diſtraining Rates. penalty for neglect.

And it is further Enacted by the Authority aforeſaid, That the Conſtables in each Town, ſhall be allowed *Four-pence* on the Pound, for the ſtorage and ſhrinking of Grain they receive for the Country Rate, from the time of Gathering it, till they ſhall receive Order from the Treaſurer for the paying the ſame out. And for Tranſportation of what is Tranſported by the Treaſurers Order, there ſhall be allowed reaſonable ſatisfaction, *viz.* From *Windſor* to *Hartford*, *Two-pence* per Buſhel, Allowance to Conſtables.

Buſhel; from *Farmington* to *Hartford*, *Three pence per* Buſhel; from *Stonington* to *New-London*, *Two Shillings* in the Pound; and ſo proportionable for longer or ſhorter Carriage, which Charges ſhall be allowed by the Treaſurer on the Colonies account.

Records.

Town Clerk to Record Births, Deaths and Marriages.

Perſons concerned to bring in Account thereof.

Penalty.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Town Clerk or Regiſter in every Town in this Colony, ſhall Record all Marriages, Births and Deaths of perſons in their Towns; and that all Parents, Maſters, Executors and Adminiſtrators reſpectively, ſhall bring in to the Regiſter of the Town to which they belong, the names of ſuch perſons belonging to them, as either ſhall be Born or Dye: Alſo that every new Married man ſhall bring the time of his Marriage ſufficiently proved either by Certificate from him that married them, or by other legal proof, to the Regiſter within one month after ſuch Birth, Death or Marriage; and every perſon neglecting, ſhall forfeit *Five Shillings*; and for every month after the ſaid firſt month, *Five Shillings* a month wherein it is neglected. And the Regiſters of every Town ſhall as far as they can come at, give in an account of all ſuch neglects to the Grand Jury, who ſhall make preſentment thereof to the next Aſſiſtant or Juſtice of the Peace in that County, where the neglect is; which forfeitures are to be paid to the Town Treaſury.

Town Clerk to Record Houſes and Lands.

Penalty on perſons neglecting to Record Deeds,

And it is further Enacted by the Authority aforeſaid, That there ſhall be a ſuitable Book or Books for Regiſtring, kept in each Town in this Colony, with an Index or Alphabet to the ſame, in which Book or Books the Town Clerk or Regiſter ſhall Record every mans Houſe and Lands, granted and meaſured out to him with the bounds and quantities of the ſame; and date the time of his Entring all ſuch Records; and whoſoever ſhall neglect three months to bring in to the ſaid Clerk or Regiſter, his Grant or Deed of his Houſe and Lands, together with the bounds and qualities of the ſame, by the neareſt eſtimation, ſhall forfeit *Ten Shillings*, and ſo *Ten Shillings* a month for every month after that he ſhall ſo neglect it, the like to be done for all Lands hereafter granted and meaſured.

If the Granter will not acknowledge Deed, Caution to be Entered.

Judgment of Court to be the Regiſters warrant to Record ſuch Lands, *&c.*

Copy of Record to be ſufficient Evidence.

Proviſo.

And if any Granter being required by the Grantee, his Heirs or Aſſigns, to make acknowledgment of any Grant, Sale, Mortgage or Bargain by him made, and ſhall refuſe ſo to do, the Grantee or his Heirs, may enter Caution with the Recorder upon ſuch Houſing and Lands, as are to him Granted, Bargained, Sold or Mortgaged; which Caution ſhall ſecure the intereſt of the Grantee, till a legal Tryal hath paſſed unto a final iſſue according to Law, and the Judgment of the Court being delivered to the Recorder, under the Clerk of the Courts hand where the Caſe was Tryed, ſhall be his Warrant to Record the ſaid Grant, although the Granter ſhall refuſe to acknowledge the ſame; and a Copy of the ſame under the hand of the Regiſter or Town Clerk, and an Aſſiſtant or Commiſſioner, or Juſtice of Peace, and one of the Select men ſhall be a ſufficient and legal Evidence to all and every perſon and perſons that ſhall have the ſame to all intents, ends and purpoſes, for the holding of the ſame firm to him, his Heirs and Aſſigns for ever. *Always Provided*, that no Regiſter ſhall Record any Lands to any perſon except he hold the ſame in his own right, and make it appear to the Clerk or Regiſter, that he hath clear right

to

to those Lands by sufficient testimony, quiet possession, Deed of Gift, or acknowledgment of the Granter before the said Register

And to prevent Inconveniencies and unnecessary trouble that may ensue by unwritten Grants, Bargains, Sales or Mortgages.

Deeds & Conveyances of Houses and Lands to be written, subscribed, &c.

Be it further Enacted by the Authority aforesaid, That after the first of *May*, One thousand six hundred sixty and one, all Grants, Bargains, Sales and Mortgages made of Houses and Lands shall be in Writing, and subscribed by the Granter with his own hand or mark, unto which mark his name shall be annexed: and also attested by two Witnesses with their own hands or marks, unto which marks their names shall be annexed. And after the first of *September*, One thousand six hundred seventy and three, all Grants and Deeds made of Houses and Lands shall be acknowledged before an Assistant, or Commissioner, or Justice of the Peace; and that no Grant after the time aforesaid, shall be accounted compleated according to Law, but such as are written, subscribed, witnessed and acknowledged as aforesaid: And all such Grants shall be Recorded according to Law.

Town Clerks Fees.

And it is further Enacted by the Authority aforesaid, That the Town Clerk or Register shall be paid for each Marriage he Records, *Sixpence*, and for each Birth, *Three pence*, and for each Death, *Three pence*, and for each Deed of Sale or Gift, or Mortgage, or other Instrument being Recorded at large, *Two Shillings* money, to be paid when he does his work; and for every search in the Records, *One Penny*, and reasonable satisfaction for any Copies of Writings any persons shall have occasion for.

Town Clerk to keep the Town Book and Enter Votes, &c.

And the Town Clerk or Register in each Town in this Colony, shall keep the Town Book or Books of their respective Towns, and shall truly enter in the said Book or Books, all Votes of the said Town, Grants of Land, choice of Town Officers, and other Town Acts, and Matters upon his Oath, (except when at any Town-Meeting he shall necessarily be absent) and shall grant all Copies of the same as need shall require for reasonable satisfaction.

Replevin.

It is Enacted and Ordained by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That every man shall have liberty to Replevie his Cattle or Goods Impounded, Distrained, Seized or Extended; (unless it be upon Execution after Judgment, and in payment of fines and rates.) *Provided*, he put in good Security with Sureties to prosecute his Replevie to effect, and satisfie such damages, demands and dues, as his Adversary shall recover against him by Law.

Sabbath.

An Act for the better Observation and Keeping the Lords-Day.

Be it Enacted & Ordained by the Governour, Council and Representatives Convened in General Court or Assembly, and it is Enacted by the Authority of the same, That all and every person and per-

Labour and Sports prohibited. Penalty.

ſons whatſoever, ſhall on that day careſully apply themſelves to Duties of Religion and Piety, publickly and privately; and that no Trades man, Artificer, Labourer, or other perſon whatſoever, ſhall upon the Land or Water, do or exercile any Labour, Buſineſs or Work of their ordinary Callings: Nor uſe any Game, Sport, Play or Recreation on the Lords Day, or any part thereof (works of neceſſity and mercy only excepted) upon pain that every perſon ſo offending, ſhall forfeit *Ten Shillings*.

Travelling prohibited Penalty.

Further it is Enacted and Declared, That no Traveller, Drover, Horſe Courſer, Waggoner, Butcher, Higler, or any their Servants, ſhall Travel on that Day, or any part thereof: except by ſome adverſity they were belated and forced to Lodge in the Woods, Wilderneſs or Highwayes the night before: and in ſuch caſe to Travel no further than the next Inn or place of ſhelter on that Day, upon the penalty of *Twenty Shillings*. And no Veſſel ſhall depart out of any Harbour within this Colony on that day, without the Maſter thereof (upon ſome emergent occaſion) hath ſpecial order from ſome Magiſtrate or Juſtice of the Peace under his hand ſo to do; upon pain that the Maſter of every Veſſel ſo offending, ſhall forfeit *Forty Shillings*. And that no perſon or perſons ſhall keep or ſtay at the Out ſide of the Meeting Houſe during the time of Publick Worſhip; (there being convenient room in the Houſe) nor unneceſſarily withdraw themſelves from the Service of God, to go without doors, or prophane the time by playing or talking, on penalty of *Five Shillings*.

Publick Houſes not to Entertain any other than Strangers & Lodgers on penalty of 5 *s.* for every perſon.

Further it is Ordered, That no Inn holder or other perſon keeping any Publick Houſe of Entertainment, ſhall entertain or ſuffer any of the Inhabitants of the reſpective Towns where they dwell, or others not being Strangers or Lodgers in ſuch Houſes, to abide or remain in their Houſes, Back ſides, Gardens, Orchard, or Fields, drinking or idly ſpending their time on *Saturday* night after the Sun is ſet, or on the Lords Day, or the Evening following; upon the penalty of *Five Shillings*, for every perſon payable by themſelves reſpectively, that ſhall be found ſo drinking or abiding in ſuch Publick Houſe, or Dependencies thereof as aforeſaid: and the like Sum of *Five Shillings* to be paid by the Keeper of ſuch Houſe, for each perſon ſo entertained by them.

One Aſſiſtant or Juſtice to hear and determine any breach of this Act.

And for the better Execution of all and every the foregoing Orders, every Aſſiſtant and Juſtice of the Peace, ſhall have power and authority, to call before him any perſon or perſons who ſhall offend in any of the particulars before-mentioned, and upon legal conviction of any ſuch offence, to impoſe the fine and penalty for the ſame, and to commit the Offender until it be ſatisfied, or to cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, returning the Over-plus (if any be) and in caſe any ſuch Offender be unable or refuſe to ſatisfie ſuch fine, to cauſe him to be Set in the Stocks, not exceeding three hours; all fines and penalties accruing by this Act, to be for the benefit and uſe of the poor of ſuch Town where the offence is committed, and delivered into the hands of the Select-men, or Overſeers of the poor for that end.

Fines to be to the uſe of the poor.

And all Maſters and Governours of Families are hereby required to take effectual care that their Children and Servants, and others under their immediate Government, do not tranſgreſs in any of the fore-mentioned particulars.

Aſſiſtants, Juſtices, Conſtables, &c. to ſee that this Act be obſerved.

And all and every Aſſiſtant, Juſtice of the Peace, Conſtables and Grand Jury men, are required to take effectual care and endeavour that this Act, in all the particulars thereof be duly obſerved; as alſo to reſtrain all perſons from unneceſſary walking in the Streets or Fields, Swimming in the Water,

Water, persons keeping open their Shops, or following their Secular Occasions or Recreations in the Evening preceeding the Lords Day, or any part of the said Day, or Evening following.

Secresie.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no Magistrate, Justice of the Peace, Juror, Officer or other man, shall be bound to inform, present or reveal any private crime or offence, wherein there is no peril or danger to this Colony, or any member thereof, when any necessary tye of Conscience, grounded on the Word of God binds him to Secresie; unless it be in case of testimony lawfully required.

Secretary.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That within twenty days after the end of every Session of the General Court, the Secretary shall send forth Copies of such Laws and Orders of publick Concernment (as shall from time to time be made) to the Constables of each Town in this Colony, for them to publish within fourteen days after they shall receive such Orders; to be published at some Town Meeting, or in case there be no Town Meeting within such time, the said Constables shall Order the Drum to be beat one hour before the publication of such Laws or Orders, and then shall publish or read the same publickly at the Sign Posts of their Towns; and when published, shall return such Laws and Orders to the Register of their Town, to be Entred in a Book kept for that end for the Towns use, who shall have reasonable allowance from the Town for his pains in making Entry of the same: And once in every year the Constables shall read, or cause to be publickly read the Capital Laws at some Publick Meeting of their respective Towns.

Secretary to send out Laws to be published in 20 days, &c.

Constables to publish Laws.

Town Register to record Laws.

And it is further Enacted by the Authority aforesaid, That the Secretary shall be the Keeper of the Seal of this Colony, and shall affix it to such Laws, Orders, Commissions, Instruments and Certificates as he is ordered by Law to do: Or shall be desired by particular persons that have special occasion for the same.

Secretary to keep the Colony Seal.

Sign Post.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That near the Center of every Town in this Colony, that there shall be a Sign Post set up at the Town Charge, and maintained in sufficient repair, on penalty of *Twenty Shillings per* month, for any Town that shall neglect the same. One half to the Complainer that shall prosecute the same within six months after such neglect, and the other half to the County Treasury; which fine shall be recoverable of the Select men of the Town so neglecting. All which Sign Posts, Proclamations sent forth shall be published, and all Notices of Strayes, and Sales of Houses and Lands, and any such like occasions, shall be set up to be read.

A Sign post to be kept near the center of every Town.

The use thereof.

Strays.

Strays & Lost Goods found worth 5 s. to be Cryed, &c.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That whosoever shall take up any Stray Beast, or find any lost Goods (being worth *Five Shillings*) whereof the Owner is not known, he shall give notice thereof to the Constable of the same Town, within six days after the finding such Goods, or taking up such Stray Beast, who shall Enter the same in a Book, and take care that such Goods or Stray beast with the natural and artificial marks be noticed, or sent to the Constables of the three next Towns, to be set upon the Sign Posts of the said Towns, fairly written; upon penalty that the person so finding such lost Goods, or Stray Beast; Or the Constable having notice thereof, and failing of his duty therein, shall either of them for such default, forfeit one third part of the value of such lost Goods, or stray Beast, one half to the Complainer, and the other half to the Town Treasury.

Penalty for default.

If the Owner appears within a year and day to have restitution.

When no Owners appear how Strays shall be divided.

Proviso.

And it is further Enacted by the Authority aforesaid, That when any Horse kind shall be taken up, and hath on him the brand of any Town in this Colony, such Horse or Horse kind shall be Cryed in that Town to which such brand belongs: And if the finder shall not give notice as aforesaid within six days, or if he shall keep such Goods or Stray Beast more than fourteen days, and shall not apprize it by sufficient men, and also Record it with the Register of the Town where it is found, he shall then forfeit the value thereof; and if the Owner shall appear within a year and a day after such publication as aforesaid, and make good his Title and Claim, he shall have restitution of the same, or the value thereof, he paying all necessary charges for the pains and care taken about such Goods, or lost Beast, as the next Assistant or Justice of the Peace shall adjudge; and if no Owner appear within the time prefixed, the said Strays or lost Goods, shall (after all just dues to the keeper, finder and Constable are defrayed) be to the use of the Treasury of the Town wherein such Goods are found. *Provided always*, That no Horses or Horse kind shall be taken up as Strayes in the Woods, unless they be found in a perishing condition.

And every person finding any lost Goods, of the value of *One Shilling* or upwards, not exceeding *Five Shillings*, shall cause the same to be cryed or an account thereof to be set up upon the Sign post of that Town wherein it shall be found, that thereby the Owner may have notice thereof.

Summons.

IT is Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no Summons pleading Judgment, or any kind of proceedings in Court, or course of Justice, shall be abated, suspended or reversed, upon any kind of circumstantial errors or mistakes, if the person and the Cause be rightly understood and intended by the Court.

Suits, Vexatious Suits.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That in all Cases where it legally appears to the Court, that the Plaintiff hath wittingly and willingly done wrong to the Defendant, in commencing

cing and profecuting any Action, Suit, Complaint or Indictment in his own name, or in the name of others, he ſhall pay treble damages to the party grieved, and be fined *Forty Shillings* to the County Treaſury, and for the third offence in that kind, he ſhall be judged and proceeded againſt as a common Barreter.

An Act for Regulating and Inſpecting the Building of Ships.

FORASMUCH as the Building of Ships and Veſſels is a buſineſs of great importance for the common good, and therefore according to the courſe and practice of His Majeſties Kingdom of England, *and that ſuitable proviſion be made, and effectual care taken therein that it may be well performed.*

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That when and ſo often as any Ship or Veſſel of Twenty Tuns or upwards, is to be built or ſet up in any Town or place within this Colony, before any Plank be brought on, the Builder or Owner ſhall repair unto one of the next Aſſiſtants or Juſtices of the Peace within the ſame County, who upon requeſt made, is hereby impowred to appoint and authorize one or more able Ship Wrights, to be Overſeers and Surveyors of the ſaid Building, and of all the materials and workmanſhip in and about the ſame, from time to time, as often as the Builder or Owner ſees cauſe to call them thereto; who are to take care, that all the materials be ſound, ſufficient, and ſuitable for the occaſion, and that the work be done and performed ſtrong, ſubſtantial, and according to the rules of the Ship Wrights Art: and to direct, that all inſufficient and defective Timber, Plank, and other materials and workmanſhip be taken out and amended: No Timber or Plank of Oak to be allowed other than white Oak, (except for the Deck of ſuch Ship or Veſſel) which Surveyors ſo appointed ſhall have an Oath adminiſtred unto them, to be faithful and indifferent between the Carpenter and the Owner.

Warrant to be obtained and Survey made before planking.

No Timber or Plank other than white Oak to be uſed.

Surveyors to be ſworn.

And it is further Enacted by the Authority aforeſaid, That if any Builder or Carpenter, upon the advice and direction of ſuch Surveyor or Surveyors ſhall neglect to reform, and amend what is judged to be defective or amiſs in any materials or workmanſhip: Every ſuch Builder or Carpenter, ſhall forfeit and pay the Sum of *Five Shillings per Diem* to the uſe of the poor of that Town where ſuch Veſſel ſhall be in Building, until the defects ſhall be amended, being convicted of ſuch neglect before any one Aſſiſtant or Juſtice of the Peace: Unleſs ſuch Aſſiſtant or Juſtice upon hearing of the Builder, ſhall ſee cauſe to allow him ſome further reaſonable time for doing of the ſame. And if any Builder or Carpenter, ſhall bring to, and faſten any Plank upon any Ship or Veſſel of the Burthen aforeſaid, before a Warrant of Survey be obtained as aforeſaid, and the Surveyor or Surveyors have been to view the frame; every Builder offending herein, ſhall forfeit and pay the Sum of *Ten Pounds*, the one moiety thereof to the Publick Treaſury of this Colony, and the other moiety to him or them that ſhall inform and ſue for the ſame, by Bill, Plaint or Information in any of His Majeſties Courts of Record.

Penalty on Builders for not attending the advice of Surveyors.

Penalty on Builders neglecting to have a ſurvey.

And be it further Enacted by the Authority aforeſaid, That when any Surveyor or Surveyors are called upon by the Builder or Owners to

Surveyors allowance.

Survey the work or materials as is provided in this Act, every such Surveyor shall have for his care and pains, and attendance when called, *Three Shillings* for every Survey; which charge of Surveying is to be born by the Builder when he is defective, but when the Builder is not in fault, then by the Owner or Owners; and in case of Travel out of Town, to be further allowed for their time and necessary charges.

Sheep and Swine.

Swine to be yoaked and ringed.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That all Swine going at large on the Commons, shall be sufficiently yoaked, from the first of *April*, to the first of *October* yearly, and Ringed in the Nose all the year, and if any Swine be found unyoaked or unringed, their Owners shall be liable to pay *Six pence per* Head, and if found damage feasant being unyoaked or unringed, to pay *Twelve-pence per* head over and above double damages to the party injured, and the Hayward or Field Driver, or any other person may take up and impound such Swine: Except any Town shall see meet to agree and order to the contrary within their own Precincts.

Penalty for Sheep going on the Common without a Keeper.

And that it shall be in the power of the major part of the Owners of Sheep in any Town or Plantation in this Colony, assembled together for that intent, to order and appoint that all the Sheep in their Town or Plantation, shall be put and kept together in a flock or flocks annually, for such time and season of the year as they shall determine. And also to agree with and hire some meet person to be their Shepherd to keep their Flock. And that all Owners of Sheep inhabiting in the Town where such order and appointment shall be, shall pay their several proportions with their Neighbours towards the Shepherds wages so agreed upon, according to their number of Sheep, whether they put them to the Flock or not.

Surveyors of Lands.

One publick Surveyor of Land to be always in each County in this Colony.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That there shall be, and is hereby appointed one person in each County within this Colony, to be a Publick Surveyor, for laying out of Lands, and for renewing of the bounds of Lands already laid out, according to their original Grants, as need shall require; who shall be sufficiently skill'd in the Surveyors art, and furnished with Instruments suitable and sufficient for that Service, and shall take the Surveyors Oath in that case provided; the said persons appointed for that Service (who shall remain in that Office, till this Court shall further order) are; For the County of *Hartford*, Mr. *Caleb Stanly* junior; For the County of *New Haven*, Mr. *William Thompson*; For the County of *New-London*, Mr. *John Chandler*; and for the County of *Fairfield*, Captain *Jonathan Sellick*.

Countys Surveyors Oath.

The Form of the Oath to be Administred to the said County Surveyors, follows, *viz.*

YOU A. B. *Do Swear by the Ever-living God, that you shall faithfully attend to, and discharge your Office of Surveyor, unto which you are appointed, without favour or respect to persons.* So help you God.

Schools,

Schools.

BE it Enacted by the Governour, Council and Repreſentatives Conveened in General Court or Aſſembly, and it is Enacted and Ordained by the Authority of the ſame, That every Town within this Colony, having the number of ſeventy Houſholders or upwards, ſhall be conſtantly provided of a ſufficient School-Maſter to teach Children and Youth to read and write; and every Town having a leſs number of Houſholders than ſeventy, ſhall yearly from year to year be provided of a ſufficient School-Maſter, to teach Children and Youth to write and read for one half of the year. And alſo there ſhall be a Grammar School ſet up in every Head Town, of the ſeveral Countys in this Colony, *viz.* in *Hartford*, *New Haven*, *New London* and *Fairfield*, and ſome diſcreet perſon of good Converſation, well inſtructed in the Tongues, procured to keep ſuch School.

Schools for reading and writing.

Grammar Schools.

And for the Encouragement and Maintainance of ſuch School-Maſters.

It is further Enacted by the Authority aforeſaid, That the Inhabitants of each Town in this Colony, ſhall annually pay *Forty Shillings* for every *Thouſand Pounds* in their reſpective Country Liſts, and proportionably for leſſer Sums, towards the Maintenance of the School Maſter in the Town where the ſame is levied; and in ſuch Towns where the ſaid levie ſhall not be ſufficient for the Maintenance of a ſuitable School Maſter, and there is not any Eſtate given by any charitable perſons, or not ſufficient together with the levie aforeſaid for that uſe, in every ſuch place a ſufficient maintenance ſhall be made up, the one half thereof by the Inhabitants of ſuch Town, and the other half thereof by the Parents or Maſters of the Children that go to School: Unleſs any Town agree otherwiſe. And when, and ſo often as the Treaſurer ſends forth his Warrants for levying the Country Rates, he ſhall alſo together with the Country Rate, aſſeſs the Inhabitants of the ſeveral Towns in this Colony, the ſaid Sum of *Forty Shillings* upon every *Thouſand Pounds*, and proportionably for leſſer Sums in their Country Liſts, adding the ſame to their reſpective proportions of the Country Rate, and requiring the Conſtables to levie the ſaid Aſſeſſments, upon the Inhabitants of each Town within their ſeveral Precincts, and to make payment thereof to the School Maſter of the Town (if any there be) where the ſame is levied: And in ſuch Town or Towns where there is no School-Maſter provided according to Law, to levie the ſaid aſſeſſment, and to pay the ſame into the Country Treaſury, as a fine impoſed upon ſuch Town for their defect. *Always Provided*, That no Town ſhall be fined for want of a School Maſter for one month only in one year.

School Maſters how to be maintained.

Penalty for neglect.

Proviſo

An Act for the preſervation of Timber.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That whoſoever ſhall Fell any Timber Tree within the bounds of any Townſhip in this Colony, unleſs within or upon his own Land, and not improve it within three months after he hath felled it, (except he be prevented by Sickneſs, or otherwiſe inevitably) he ſhall forfeit *Ten Shillings*,

Penalty on perſons that fall Trees and do not uſe them.

lings, whereof half ſhall be to the Complainer, and the other half to the Treaſury of the Town in whoſe bounds ſuch Tree ſhall be felled; and ſuch Tree alſo ſhall be forfeited to any perſon that ſhall find, and will improve the ſame after the end of three months from the time it was felled as aforeſaid; except any Town ſhall ſee meet for themſelves to agree otherwiſe.

No Oak Tree leſs then a foot diameter to be cut down for Fire wood on the Commons.

And no perſon or perſons whatſoever ſhall cut down, and uſe or ſell for Fire-wood off the Commons in any Town within this Colony, any young Oak Tree ſuitable for Poſts or Rails leſs than a foot over at Stubb; on penalty of forfeiting *Ten Shillings* for each Tree cut down, uſed or ſold, contrary to the intent of this Act: half to the Complainer, and half to the Treaſury of the Town, in whoſe bounds ſuch Tree ſhall be fallen, unleſs the Inhabitants of any Town ſhall for themſelves agree otherwiſe.

No Tanners to faſt Timber Trees for bark on the Commons.

And it is further Enacted by the Authority aforeſaid, That no Tanner within this Colony, ſhall by himſelf, or by any other perſon or perſons fell or cut down any Timber Tree for Bark, on the Commons in any Town within this Colony, *viz.* ſuch Tree as is ſuitable for Building, or Poſts or Rayls: Except the Body of ſuch Tree ſhall within two months after it is fallen, be uſed and imployed for Building, or Poſts or Rayls as aforeſaid: on penalty of forfeiting *Ten Shillings* for every ſuch offence, half to the complainer, and half to the Town Treaſury; unleſs the Inhabitants of any Town ſhall give liberty ſo to do.

Penalty.

Unleſs, &c.

No Timber to be tranſported out of any Town in this Colony without licence.

And further it is Enacted by the Authority aforeſaid, That from and after the publication hereof, there ſhall be no Timber Tranſported out of any Townſhip within this Colony, ſuch as Boards, Planks, Slitwork Timber, Staves, or other Timber whatſoever, without Licence obtained from the Town within whoſe bounds any ſuch Timber grows or grew, and was gotten: (which Licence ſhall be in writing under the hands of the major part of the Select men of ſuch Town) upon penalty of forfeiting ſuch Timber ſo Tranſported or Shipped to be Tranſported, or the full value of it, if it be proved it be Tranſported out of any Townſhip without liberty as aforeſaid, half of the Timber or value thereof to the Complainer, that ſhall proſecute his complaint to effect, and the other half to the Treaſury of the Town in whoſe bounds ſuch Timber grew, and was gotten.

Penalty.

Penalty on Maſters of Veſſels that receive it aboard without licence.

And the Maſter of any Veſſel that receives on board any ſuch Timber, without Licenſe as aforeſaid, ſhall pay a fine of *Five Pounds*, for every breach of this Order; one half thereof to the uſe of the Town where the offence is Committed, and the other half to the County Treaſury. *Provided always*, That this Act ſhall not reſpect ſuch Saw Mills as are Erected by order, or liberty obtained from the General Court of this Colony; or any Boards, Plank, Staves, or other Timber whatſoever brought from other places into this Colony for Tranſportation.

Proviſo.

Pipe Staves to be ſearched and culled.

And it is further Enacted by the Authority aforeſaid, That when any perſon ſhall obtain liberty from any Town, and Licenſe Signed by the Select men of ſuch Town, for the Tranſportation of Pipe ſtaves, every ſuch perſon ſhall cauſe to be viewed, ſearched and culled, all ſuch Pipe ſtaves by him intended to be Tranſpored, before they are Shipped, by ſuch perſon or perſons, who are or ſhall be appointed and Sworn to ſearch and cull the ſame: on Penalty of forfeiting all ſuch Staves Shipped, before they are culled, and ſearched as aforeſaid. And the Searcher or Searchers ſhall be allowed and paid *Two Shillings* per Thouſand, for every Thouſand of Pipe ſtaves which he or they ſhall ſearch, as well the Refuſe as the Merchantable,

chantable, to be paid by him or them that imployes ſuch Searcher or Culler: And if any Maſter, or other Officer of any Ship or other Veſſel, ſhall receive on Board any Pipe ſtaves to be Tranſported, before ſearched, culled and allowed to be Merchantable as aforeſaid, and to him ſo certified by a Note under the hand of the ſaid Viewers, or one of them; every ſuch Maſter or Officer ſhall forfeit and pay for every Thouſand of Pipe Staves by him ſo unduly received, the Sum of *Five Pounds*, one third part to the Complainer that proſecutes to effect, the reſt to the County Treaſury.

Penalty on Maſters of Veſſels that take in Pipe ſtaves before ſearched and culled. &c.

Town-ſhips and Town-Officers.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is Enacted and Declared by the Authority of the ſame, That the ſettled and approved Inhabitants of every Town in this Colony qualified, and having Eſtate as the Law requires, ſhall have power to make ſuch Orders and Conſtitutions as may concern the Welfare of their Town. *Provided* they be not of a criminal, but of a prudential nature; and that their penalties exceed not *Twenty Shillings* for one offence, and that they be not repugnant to the Laws and Orders of this Colony; and if any Inhabitants ſhall neglect or refuſe to obſerve them, they ſhall have power to levy the appointed penalties by Diſtreſs.

Their power to make Orders.

Proviſed

And it is further Enacted by the Authority aforeſaid, That the ſettled and approved Inhabitants (qualified as in this Act is mentioned) in each reſpective Town, ſhall ſome time in the Month of *December* annually meet, and conveen together, upon notice given by the Select men of each Town, or ſuch others as they ſhall appoint, and by the major Vote of ſuch Aſſembly, ſhall chooſe a convenient number, not exceeding Seven of their Inhabitants, able, diſcreet, and of good Converſation, to be Select-men or Townſmen, to order the prudential occaſions of their Town; as alſo to nominate and chooſe a Town-Clerk (who ſhall Enter and Record all Town Votes, Orders, Grants and Diviſions of Land, made by ſuch Town,) Conſtables, Surveyors of High-ways, Fence Viewers, Liſters, Collectors of Rates, Leather Sealers, Haywards, Inſpectors, Chimney-viewers, and other ordinary Town Officers. And the Select men of each Town ſhall forthwith after ſuch choice, ſee that all thoſe Officers of whom an Oath is by Law required, be Summoned and Sworn to the faithful diſcharge of their reſpective Offices and Truſts.

A Town-Meeting to be in *December* annually.

Town Officers to be Choſen, and Select-men to ſee them Sworn.

And be it further Enacted by the Authority aforeſaid, That every perſon and perſons being duly Choſen as aforeſaid, to ſerve in the Office of a Select man, Town Clerk, Conſtable, Surveyor of High-ways, Fence-viewer, Liſter, Collector of Rates, Sealer of Leather, Haward, Inſpector, Chimney viewer, or other ordinary Town Officer, who ſhall refuſe to ſerve therein, and to take the Oath (if any by Law be required) to that Office belonging, if he be able in perſon to execute the ſame, ſhall pay the Sum of *Forty Shillings* to the Treaſury of the Town whereto he or they do belong; except ſuch perſon or perſons ſhall make it appear, that he or they is or are oppreſſed by ſuch Choice, and others unjuſtly exempted. Any one Aſſiſtant or Juſtice of the Peace, to hear and determine the ſame; and every ſuch Officer duly Choſen by any Town as aforeſaid, having accepted (or not declared his refuſal to accept) the Office he is Choſen to, and that ſhall neglect the performance of the Truſt committed to him, and be thereof duly convicted before any one Aſſiſtant or Juſtice of the Peace, ſhall be fined according to the demerit of the Cauſe, not exceeding *Twenty Shillings* for one offence.

Penalty on ſuch as ſhall refuſe to Serve in Town Offices.

Penalty on Town Officers neglecting their Duty.

And whereas oftentimes Sojourners, Inmates, and young persons do presume to Deal, Vote and intermeddle with the Publick Occasions of the Towns and places where they live; which to prevent.

Qualification of Voters in Town-Meetings.

Penalty on such as be not qualified shall presume to Vote.

Proviso.

It is further Enacted by the Authority aforesaid, That no person that is not an admitted Inhabitant, a Housholder, and a man of sober Conversation, and that hath not a Freehold Estate, Rated at *Fifty Shillings* in the common List, besides his person, shall adventure to Vote in the Choice of any Town or Country Officer or Officers, or Grant of Rates or Lands; upon penalty of the forfeiture of *Twenty Shillings* for every such offence, to be Levied by Distress and Sale of the Offenders Goods. *Provided always*, that no Freeman of this Corporation shall by this Act be barred or hindred of Voting, as the Law allows him in any case.

Power of Select-men to dispose of idle persons.

And it is further Enacted by the Authority aforesaid, That the Select-men in each Town within this Colony from time to time, when, and so often as need shall require, shall be, and are hereby impowred to order and dispose of all single persons and inmates within their respective Towns, (who live an idle and riotous life) to Service or otherwise; and if any person be agrieved at such Order or disposal of the Select-men, such person shall have liberty to apply himself to the next County Court in that County for relief.

Trade.

Free Trade allowed.

Proviso.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That all Merchants, Traders and others (not by Law prohibited) that come for Trading only into this Colony, shall have free liberty to Trade with us, and shall have free access with their Ships or other Vessels into any of our Harbours, and quiet Riding there, and free liberty to depart without any molestation. *Provided always*, That all such Merchants and Traders, and Masters of Ships or other Vessels, shall strictly observe all Acts of Parliament respecting Navigation and Trade, and also the Laws and Orders of this Colony, during their abode in the same.

All persons that are not Inhabitants coming to Trade in this Colony to pay 12 *s.* 6*d per Cent* for their Goods.

penalty.

And it is further Enacted by the Authority aforesaid That all persons that come to Trade in this Colony, that are not Inhabitans, before Sale of any Goods by them brought or imported into any Town, shall pay *Twelve Shillings* and *Six pence per Cent* for every *Hundred Pounds* worth of Goods brought by them to Trade, according to the Invoice thereof made, where they were last bought and Exported, and so proportionable for all greater and lesser quantities; one fifth part whereof shall be to him that takes Entery of the said Goods, and the remainder to the publick Treasury of this Colony. And every person and persons coming to Trade, and bringing Goods into this Colony as aforesaid, shall shew and present the Invoice of his Goods to the next Assistant or Justice of the Peace, where such Goods shall be Imported, (who shall take an account thereof,) on penalty of forfeiting all such Goods, or the value thereof; one third to the Complainer, the rest to the publick Treasury of this Colony.

Treasure.

BE it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That the General or Publick Treasure, or any part thereof shall never be Expended

Expended, but by the appointment of the Governour, or Assistants or General Court: Nor any County Treasure, but by the appointment of the Assistants, or Justices of the Peace of that County; Nor any Town Treasure, but by the appointment of the Select-men, or the Inhabitants of the Town.

Treasurer.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That the Treasurer of this Colony shall deliver no money (nor Orders for payment of the same) belonging to the publick Treasury, to any person or persons, without Order under the Hands of two Assistants, or Justices of the Peace, if the Sum be above *Forty Shillings*: and if the Sum be under *Forty Shillings*, then the Treasurer may accept of Order for payment thereof under the hand of any one Assistant, or Justice of Peace. *Always Provided*, that the Assistants, and Justices that Grant Bills or Orders as aforesaid, shall insert the particulars for which the Money mentioned in such Bills, or Orders is due, and to be paid.

Treasurer to pay out none of the Colonys money without order.

What Orders he may accept of.

And be it further Enacted by the Authority aforesaid, That the Treasurer of the Colony shall pay such Sums as the General Court shall appoint him to pay from time to time, so far as he hath of the Publick Treasure under his Command to do it. And it is, and shall be in the power of the Treasurer at all times as the Cause requires, to issue forth his Warrants to the Sheriff or Constable, for the levying of all fines and forfeitures, as shall be due from any person or persons to the Publick Treasury of this Colony.

To Grant Warrants for levying fines, &c.

And further it is Enacted by the Authority aforesaid, That each respective County Treasurer in this Colony shall be, and is hereby impowred and required, when and so often as need shall require, to Issue forth his Warrant under his hand, directed to the County Sheriff or Constable, for the levying all fines and forfeitures that are, or shall be due to the Treasury of the County whereto he belongs, from any person or persons whatsoever.

County Treasurer to issue out his Warrants for fines due to the County.

And the Treasurer of the Colony, and each respective County Treasurer, shall send forth his Warrants for the levying of all fines and forfeitures due to the Treasury, whereof he hath Cognizance, within the space of one year after such fines or forfeitures are imposed by the Court; on penalty of forfeiting the Sum of *Forty Shillings*, to the use of such Treasury for each neglect.

All fines to be levied once a year.

Trespasses.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That if any person whatsoever shall take any Horse, Mare or drawing Beast, other than his own, out of any Inclosure, or Common Field, or elsewhere (except such Creature shall be taken damage feasant and disposed of according to Law) without leave of the Owner, and shall ride or use the same; every such person shall pay to the party wronged treble damages; or if the Complainant shall desire it, only *Ten Shillings*; and if such person so offending shall not have wherewith to make satisfaction, then he shall by Service make payment thereof; any one Assistant or Justice of the Peace to hear and determine the same. *Provided*, that all offences against, or breaches of this Order, be prosecuted within six months after the same are committed.

penalty on persons taking and using Horses, &c. without leave.

persons unable to pay fine to satisfie by Service.

Damage done by Creatures how to be prized.

And be it further Enacted by the Authority aforesaid, That if any Horse or other Beast shall trespass in any Corn Field, or other Inclosure being fenced in such sort as secures against Cows, Oxen, small Calves, and such like Cattle, the party or parties trespassed upon, shall procure two able men of good report, and credit to view, and adjudge the harms: which the Owner or Owners of the Beast or Beasts shall satisfie when known upon reasonable demand, whether the Beast shall be impounded or not; but if the Owner or Owners be known, and near residing as in the same Town or the like, notice thereof shall be given to him or them, or left at the usual place of his or their abode before an Estimation be made thereof, to the end he or they, or some other person appointed by him or them may be present when the Judgment is made; the like notice also shall be left for him or them, of the damage charged upon them, that if they shall not approve thereof, he or they may repair to the Select men, or some of them, who shall in such case nominate and appoint two able and indifferent men, to review and adjudge the said harms, which being forthwith discharged and paid, together with the charge of the notice, former and latter view and determination of damages, the first Judgment to be void; if not to stand in Law.

When damage shall not be given.

And it is further Enacted by the Authority aforesaid, That in all Trespasses or damage done to any person or persons, if it can be proved to be done by the meer default of him or them to whom the Trespass is done, it shall be judged no Trespass, and no damage shall be given for it.

An Act for Restraining the taking Excessive Usury.

Six Pound per Cent. Interest *per Annum* for loan of money.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no person or persons whatsoever, from and after the publication hereof, upon any Contract to be made after that time, shall take directly or indirectly for Loan of any Moneys, Wares, Merchandizes, or other Commodities whatsoever, above the value of *Six Pounds* for the forbearance of *One Hundred Pounds* for a year; and so after that rate for a greater or lesser Sum, or for a longer or shorter time. And that all Bonds, Contracts, Mortgages and Assurances whatsoever, made after the time aforesaid for the payment of any principal, or money Lent or Covenanted to be Lent upon or for Usury, whereupon, or whereby there shall be reserved or taken above the rate of *Six Pounds* in the *Hundred* as aforesaid, shall be utterly void. And all, and every person and persons whatsoever, which shall after the time aforesaid, upon any Contract, take, accept and receive by way or means of any corrupt Bargain, Loan, Exchange, or by Coven, or deceitful Conveyance, or by any other way or means whatsoever, for the forbearing or giving day of payment for one whole year of and for their money, or other thing or things, above the Sum of *Six Pounds* for the forbearing of *One Hundred Pounds* for a year, and so after that rate for a greater or lesser Sum, or for a longer or a shorter time, shall forfeit and loose for every such offence, the full value of the Goods and Moneys, or other things so lent, exchanged, bargained, sold or agreed for: One moiety thereof to the publick Treasury of this Colony,

penalty for contracting for more.

lony, the other moiety to the Informer, that ſhall Sue for the ſame. Any Cuſtom, Uſage or Law to the contrary notwithſtanding.

Provided, Nothing in this Act ſhall extend to the Letting of Cattle, or other Uſages of like nature in practice amongſt Farmers, or Maritime Contracts, as Bottomary, or courſe of Exchange, as hath been heretofore accuſtomed. A Saving.

Watches.

BE it Enacted by the Governour, Counſil and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be a ſufficient Watch maintained in every Town in this Colony, and that the Conſtable of each Town ſhall cauſe the ſame to be duly Warned by the Watchmen, and ſee that the Inhabitants do ſeverally in their Turns obſerve the ſame according as they ſhall be appointed; and if any perſon liable to Watch or Ward, ſhall take a Journey out of the Town wherein he liveth, after he hath had timely notice and warning to Watch, he ſhall provide a Watchman for that turn though himſelf be abſent; and if any man that taketh a Journey, or goeth out of the Town wherein he liveth, ſhall return within a Week after the Watch is paſt his houſe, he ſhall be ordered and appointed, and be liable to Watch for that turn paſt a week before. A Watch to be kept in every Town.

And for the better keeping of Watches and Wards, by the Conſtables in times of peace.

It is further Enacted by the Authority aforeſaid, That every Conſtable ſhall preſent to the next Aſſiſtant or Juſtice of the Peace, the name of every perſon who ſhall upon lawful warning, refuſe or neglect to Watch or Ward, either in perſon, or by ſome other, fit for that Service; and if being convented he cannot give a juſt excuſe, he ſhall by the ſaid Aſſiſtant or Juſtice of the Peace (on Affidavit of the perſon which warned him) be adjudged to pay *Five Shillings*, for every ſuch default, which by Warrant from ſuch Aſſiſtant, or Juſtice, ſhall be levied by the Conſtable, and imployed for the uſe of the Watch in that Town. Conſtables to preſent neglects. Penalty on perſons neglecting to Watch or Ward.

And every perſon able of Body (not exempted by Law) ſhall be liable to Watch and Ward, or to provide ſome ſuitable perſon to ſupply his place when he ſhall be thereunto required; and if there be in one Houſe divers perſons, as Sons, Servants or Sojourners, they ſhall all be compellable to Watch as aforeſaid. *Provided*, That all thoſe who Live at Farms remote from any Town ſhall be exempted. Who are required to Watch and Ward. Farmers Exempted.

And it is further Enacted by the Authority aforeſaid, That the Watchmen ſhall duly attend to receive their Charge at the Conſtables Houſe in the Evening, by the ſhutting in of Day light, and ſhall not leave their Watch before the Day light again: and whoſoever ſhall be convicted of the breach of this Order, ſhall forfeit *Two Shillings* and *Six-pence* for each default, to the benefit of the Watch; the ſame penalty ſhall every man (bound to Ward) be liable to, that does not attend at the Meeting-Houſe on Sabbath dayes, or other dayes of Publick Meeting, to take his Charge for the Ward before or at the beginning of the firſt Prayer. Time & place of appearing to take Charge for Watch and Ward. Penalty.

Watch and Ward to be compleat in Arms.

And every perſon attending upon the Watch or Ward as aforeſaid, ſhall have Arms compleat according to Law, and the Conſtables that give the Charge to the Watch and Ward, ſhall ſee that every perſon be furniſhed with Fire Arms and Sword according to Law, a quarter of a Pound of Powder at leaſt, and Bullets anſwerable, on penalty of *Five Shillings* for every neglect of that nature, to be half to the Complainer, and half to the Towns uſe.

Penalty.

Witneſſes.

FORASMUCH as it is often neceſſary that Witneſſes in Civil Cauſes be Sworn out of Court, when by reaſon of their going to Sea, living more than twenty miles diſtant from the place where the Cauſe is to be Tryed, Age, Sickneſs or other Bodily Infirmity, they are rendred uncapable of Travel, and appearing in perſon at the Court; to the intent therefore that all Witneſſes may indifferently teſtifie their certain knowledge, and the whole truth in the Cauſe they are to ſpeak unto.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That for either of the reaſons before mentioned, and not otherwiſe; every Aſſiſtant or Juſtice of the Peace may take Affidavits out of Court, ſo as a Notification with reaſonable time be firſt made out, and delivered to the adverſe party (if within twenty miles of the place) or left at the place of his Dwelling, or uſual Abode, to be preſent at the time of taking ſuch Affidavit if he think fit; and every ſuch Witneſs ſhall be carefully examined, and cautioned to teſtifie the whole truth; and being Sworn, the Aſſiſtant or Juſtice ſhall atteſt the ſame, with the day, month, and year of the taking thereof, and that the adverſe party was preſent (if ſo,) or that a Notification was ſent him, and ſhall Seal up the Teſtimony, and deliver it to the party (if deſired) at whoſe requeſt it was taken: and no perſon intereſted ſhall write or draw up the Teſtimony of any Witneſs in ſuch Cauſe, nor any Attorney in his Clients Cauſe, and if it manifeſtly appear any Teſtimony to be written or drawn up by any Intereſted, or the Attorney in the Cauſe, or be returned from any Aſſiſtant or Juſtice of the Peace, by other hand then his own, into the Court where the ſame is to be uſed, unſealed; or the Seal having been broken up, all ſuch Teſtimonies ſhall be rejected by the Court, and be utterly void and of none effect in Law.

Adverſe party to have Notification.

No perſon Intereſted or the Attorney to write Affidavits.

Affidavits to be returned to the Court ſealed up.

And be it further Enacted by the Authority aforeſaid, That every Aſſiſtant and Juſtice of the Peace ſhall be, and is hereby impowred, upon requeſt to him made, to Grant Summons for the appearance of any Witneſs before him in any Civil or Criminal Cauſe, where ſuch Witneſs is bound to Sea, or Travelling out of the Colony, before the time of Tryal; and to take his Depoſition in ſuch Cauſe, the adverſe party being preſent, or notification ſent him as aforeſaid:

Aſſiſtants and Juſtices to grant Summons for Witneſſes.

Provided Nevertheleſs, That Witneſſes to Bonds, Specialties, Letters of Attorney, and other Inſtruments in Writing under the hand of the party executing the ſame, or to Accompts, or Teſtimonies relating to perſons out of this Government, or to be ſent beyond Sea, may be Sworn without ſuch Notification as aforeſaid.

Witneſſes to Bonds &c. other writings may be Sworn without Notification.

And it is further Enacted by the Authority aforeſaid, That if any perſon

perſon or perſons, upon whom any lawful Proceſs or Summons ſhall be Served to Teſtifie, Depoſe or give Evidence, concerning any Cauſe, or Matter depending in any Court in this Colony, and having tendred unto him or them ſuch reaſonable Sum or Sums of Money for his or their Coſts and Charges, as having regard to the diſtance of the places is neceſſary to be allowed as the Law requires in that behalf, do not appear according to the tenour of the Proceſs or Summons, having no lawful or reaſonable lett or impediment to the contrary, that then the party ſo making default, ſhall for every ſuch offence, looſe and forfeit *Forty Shillings*; and ſhall yield ſuch further recompence to the party agrieved, according to the loſs and hindrance that he ſhall ſuſtain by reaſon of the Non-appearance of the ſaid Witneſs or Witneſſes; the ſaid ſeveral Sums to be recovered by the party ſo grieved againſt the Offender or Offenders, by Action of Debt, Bill, Plaint or Information in any Court of Record.

Penalty for VVitneſſes Non appearance.

And further it is Enacted by the Authority aforeſaid, That no perſon Serving as an Aſſiſtant, Juſtice, Juror, Witneſs or otherwiſe, ſhall be obliged to uſe any other Ceremony in taking of their reſpective Oaths, then lifting up the Hand as hath been accuſtomed: Any Law, Uſage or Cuſtome to the contrary notwithſtanding.

Ceremony in Swearing.

And no perſon for any fact committed, ſhall be put to Death but by the Teſtimony of two or three Witneſſes, or that which is equivalent thereunto.

No ſufficient Teſtimony without there be two.

And all Witneſſes upon Criminal Caſes ſhall have their neceſſary Expences born and paid out of the County Treaſury, where the Caſe is Tryed in the County Courts; and ſuch Witneſſes that attend the Court of Aſſiſtants in Criminal and Capital Caſes, ſhall have their neceſſary Expences born and paid out of the Colony Treaſury.

VVitneſſes in Capital and Criminal Caſes how to be paid.

Wolves.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſon ſhall kill and deſtroy any grown Wolf or Wolves, Cattamount or Panther, within the bounds of any Town or Plantation in this Colony, he ſhall have *Twenty Shillings* in Country pay, paid out of the Publick Treaſury, and half ſo much for every Wolfs Whelp that ſucks; and every Engliſh-man that ſhall kill any Wolf or Cattamount, ſhall alſo have *Ten Shillings* paid by the Town, in whoſe bounds the Wolf was killed, and half ſo much for every Wolfs Whelp; the head or heads of every ſuch Wolf, or Whelp, or Cattamount being firſt brought to the Select-men or Conſtable of ſuch Town, which Select-men or Conſtable ſhall cut off both Ears from ſuch head or heads.

Twenty Shillings allowed for killing a VVolf or Panther.

And it is further Enacted by the Authority aforeſaid, That if any perſon, Engliſh or Indian, ſhall take a Wolf out of any Pit made to catch Wolves in, or out of any Trap, thereby to defraud the Owner of the Pit or Trap of his due, every ſuch perſon ſhall pay to the Owner or Owners of ſuch Pit or Trap, the Sum of *Forty Shillings* for every ſuch Offence, or be Whipt on the naked Body, according to the diſcretion of the Authority into whoſe Cognizance it ſhall come, not exceeding Ten Stripes.

Penalty for taking VVolves out of a Pit or Trap.

Wrecks of the Sea.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That if any Ships or other Vessels, either Friends or Enemies, shall suffer Shipwreck upon our Coasts, there shall be no Violence or Wrong offered to their Persons or Goods, but their persons shall be harboured and relieved, and their Goods preserved in safety, till Authority may be required, and shall take further Order therein.

MUSEUM

FINIS.

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